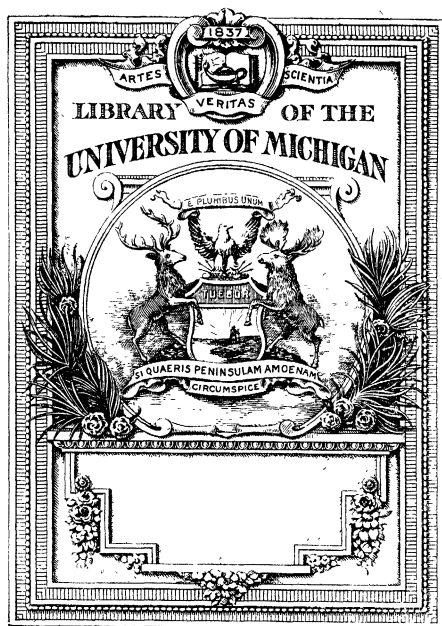


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COLLECTIONS



OF THE

MAINE HISTORICAL SOCIETY,

VOL. VIII.

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PORTLAND:
HOYT, FOGG & DONHAM.

1881.



PRINTED BY STEPHEN BERRY, PORTLAND.



At a meeting of the Maine Historical Society, held at Brunswick, on the twenty-third day of November, 1880, a tender of large and convenient rooms in the city building at Portland, by the government of that city, to this Society, for its general uses, free of rent, was considered by the Society, and, after a full discussion, was accepted. A committee, consisting of James P. Baxter and Lewis Pierce, Esquires, and Gen. John M. Brown, was appointed to superintend the removal of the library and cabinet, and the setting up of the same in the new rooms. This work was so well and promptly done, that the rooms were put in readiness for occupancy by the Society, with its books and other treasures, on the second day of February, 1881. On that day, a meeting of the Society was held in the quarters thus made ready for it, and which in the evening were thrown open to members of the Society and invited guests.

This meeting was very largely attended, and was addressed by the President, Hon. James W. Bradbury, in an able and interesting speech, and by other gentlemen. The proceedings of these meetings, and the addresses at the latter, have been reported in full, and will be published in the first volume of the "Proceedings" of the Society, for which series of publications provision was made.

At the business meeting of the Society, it was voted that its publications, in future, should consist of its documentary collections, and of its proceedings. The series first named will embrace papers properly belonging to the documentary history of the State, towards the publication of which it makes contribution; and the latter series will contain historical papers read

at the meetings of the Society, or contributed to it, as well as its proceedings and transactions. Of the documentary collections, two volumes have already been issued, viz: *On the Discovery of North America*, by Dr. J. G. Kohl, published in 1869; *A Discourse on Western Planting*, by Richard Hacklyt, written in 1584, published in 1877; a third volume, *The Trelawny Papers*, is now in press, and it is expected will be published early in the next year.

The first volume of the proceedings of the Society, with possibly an appendix containing such of the former collections as shall not have been already published and shall be deemed worthy of being thus preserved, will be ready for the press, it is believed, in 1882.

Since the removal to Portland, an increased interest in the Society and its work has become apparent. The library and cabinet have received many valuable contributions of books, pamphlets, manuscripts and relics. The rooms are kept open a part of each secular day, and have already become a desirable place of resort for persons engaged in historical studies as well as for members of the Society.

Now that the books, pamphlets and manuscripts are conveniently arranged and shelved (and are being catalogued), so as to be easily found, and the contents of the cabinet are being placed in such order as to be readily seen and examined, it is hoped that the people of the State, and especially her native sons and daughters, will recognize the fact that the safest and most conveniently accessible depository—for themselves and the public—of their historical treasures, has been placed within their reach by the MAINE HISTORICAL SOCIETY.

PORTLAND, November 1, 1881.

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ARTICLE I.

THE NORTH-EASTERN BOUNDARY.

READ BEFORE THE MAINE HISTORICAL SOCIETY, AT PORT-
LAND, MAY 15, 1879,

BY

HON. ISRAEL WASHBURN, JR., LL.D.

.

THE NORTH-EASTERN BOUNDARY.

I shall read you, this morning, a chapter of concessions, submissions and humiliations by which the otherwise fair record of American diplomacy has been dimmed and stained.

And I shall do this, not to cast reproach upon the memory of any of the actors in the deplorable business, whose history culminated, if it did not close, in the so-called Ashburton Treaty, a work of which the indulgent criticism of the most friendly commentator might be borrowed from Sheridan, who, speaking of another convention, said, "It was one of which, although some were glad, nobody was proud." Nor shall I do it with the expectation that anything said or written by me, or by any one at this time, can avail aught towards a correction of the errors and mistakes of the past. But rather in the thought that a paper which may serve in some measure to keep the history and the lesson alive for purposes of warning, of counsel and of suggestion in the future, will be neither unworthy nor unwelcome; and, I will add, with the further impression, that it will not be wholly uninteresting or unprofitable to the present generation to learn something more than, as a general rule, those who compose it know of the particular history of the important, protracted and imbittered controversy which preceded that settlement.

And, besides these considerations, I have sought a personal gratification in an opportunity to express my sense of the debt

due from the people of Maine to those faithful magistrates, who, in no hour of pressure or of alarm, allowed, for a single moment, the honor of the State, or her material interests, to be compromised by any action of the commonwealth over whose affairs they presided. Of Enoch Lincoln, Edward Kent and John Fairfield it could be said with peculiar force and propriety, in the words of Sir Walter Scott's tribute to Fox, they

"Stood by their country's honor fast,
And nailed her colors to the mast."

It so happened in the history of the negotiations that upon these men rather than upon any other of our Governors, fell the chief weight of responsibility, and the most imperative demands for decisive action. Nor should I pass from this grateful duty without some reference to two gentlemen upon whose patriotic and ardent interest in, and thorough and perfect knowledge of, the questions involved, in all their aspects and relations, these functionaries always and safely relied. I refer to Col. John G. Deane, of Ellsworth—who in his later years was a resident of Portland—and to the Honorable Charles S. Daveis, also of this city.

On the afternoon of the 20th of September, 1875, I left Edmundston, on the St. John River, by the fine military road—constructed at great expense by the British government a quarter of a century before, and following, in the main, the route traveled by Lord Edward Fitzgerald in 1788—leading from the river St. John to the St. Lawrence. When, at two o'clock the next morning, the stage reached a point twenty-six miles south of the latter river, although it had been raining for several hours, the snow was more than a foot deep, and I was informed that three days before its depth was more than two feet; and here I said, without doubt, on this elevation, fifteen

hundred feet above tide-water, are the "highlands," of which I had read so much in the years preceding the treaty of Washington. For, although that treaty, sometimes called the Ashburton Treaty, had been concluded thirty-three years before (in 1842), the leading facts which its discussion had elicited, or which had been brought out in the years preceding, in the correspondence of our Governors, and in legislative reports, were too deeply written upon my memory not to be at call at any moment. But when on a clear, bright August day, in 1877, I came from the St. Lawrence, at River Du Loup, over the same road to Madawaska, after a steady general ascent of some ten miles, a comparatively short descent brought the mail coach (in which I was traveling) to a stream which my companions said was a branch of the river St. Francis, and sixteen miles from the St. Lawrence, I knew that we were, if only the treaty of 1783 had been respected, within the limits of the State of Maine—for the St. Francis is one of the rivers whose waters descend to the Atlantic Ocean—and had been within them since our journey had passed the fifteen miles bourne from the river St. Lawrence.

The high ground, which, on the preceding journey, I had mistaken for the main highland range, was but a spur of it, and the true dividing ridge was ten miles to the northward. It was interesting to notice, on this bright day, how plainly marked and impossible to be mistaken was the treaty boundary.

Never was there such a history of errors, mistakes, blunders, concessions, explanations, apologies, losses and mortifications on the one side; of inconsistencies, aggressions, encroachments, affronts and contempts on the other, as that which has respect to this boundary question; and in the calm of this day, when all direct, practical interest in it has ceased, and the sense of wrong and indignity has slept for more than a third of a cen-

tury, it is impossible for one to read it with anything like composure or patience.

To those statesmen and writers of other countries, who have represented the United States as arrogant, uncomfortable and domineering, I would commend this tale of the sacrifice of northern Maine, as likely to afford them great, if not endless comfort.

Article two of the Treaty of Peace, concluded at Paris between Great Britain and the United States in 1783, so far as respects the question of the north-eastern boundary, is as follows :

“From the north-west angle of Nova Scotia, to wit: that angle which is formed by a line drawn due north from the source of the St. Croix River to the highlands,—along the said highlands which divide those rivers that empty themselves into the St. Lawrence from those which fall into the Atlantic Ocean, to the north-westernmost head of Connecticut River.”

This is the northerly line ; the easterly is described :—

“East, by a line to be drawn along the middle of the river St. Croix, from its mouth in the Bay of Fundy to its source, and from its source directly north to the aforesaid highlands which divide the waters that fall into the Atlantic Ocean from those which fall into the river St. Lawrence, comprehending all islands within twenty leagues of any part of the United States, and lying between the lines to be drawn due east from the points where the aforesaid boundaries between Nova Scotia on the one part, and east Florida on the other, shall respectively touch the Bay of Fundy and the Atlantic Ocean, excepting such islands as now are or heretofore have been within the limits of the said Province of Nova Scotia.”

This language seems to be too plain to admit of dispute, and yet under it four questions have arisen between the parties to

the treaty: First, as to the river St. Croix; second, as to which of the affluents of the St. Croix, was the source of that river within the intention of the treaty; third, as to the islands in Passamaquoddy Bay; fourth, as to the north-west angle of Nova Scotia and the highlands that divide the rivers that fall into the Atlantic Ocean from those which empty themselves into the St. Lawrence. *And all of them have been decided against the United States.*

I propose a brief examination of each.

I. The first question that arose was in regard to which of three rivers falling into the Bay of Fundy was the St. Croix contemplated by the treaty. The question was plain, and easy of solution. These rivers had all been known and described at some time by the name of St. Croix. The most easterly had been called also the Magaquadavic; the intermediate the Schoodic; the most westerly the Cobscook. That the first named is the St. Croix of the treaty, is so plain, I trust, that but few words will be needed for a clear understanding of the case.

Soon after the treaty of 1783, the inhabitants of Nova Scotia (that part which is now New Brunswick) were found occupying, and claiming as British subjects to hold the territory between the Magaquadavic and the Schoodic Rivers, and particularly that near the present town of St. Andrews. Massachusetts objected, claiming the territory as her own, and made complaint to Congress of these encroachments, and was by the latter body requested to cause inquiry into the facts to be made. In pursuance of this solicitation, it appointed a commission, of which two members, Generals Knox and Lincoln, visited Passamaquoddy in the year 1784, and on the 19th of October of that year, made their report to the Governor of Massachusetts. In this report, they say:

"They beg leave to inform your Excellency that a very considerable number of British subjects are settled at a place called St. Andrews, on the eastern bank of the river Schoodic, which, in the opinion of your commissioners, is clearly within the limits of this State.

"By your Excellency's leave, they will recite a short state of facts on which this opinion was formed.

"There are three very considerable rivers which empty themselves into the bay Passamaquoddy, which is five to seven leagues wide. The eastern river falls into the bay about a league from the head of it, and perpendicular to the eastern side; the middle river falls into the bay far on the westerly side of the head of it, and in a direction parallel therewith; the western river falls into the bay about six leagues from the head of it on the westerly side, and nearly perpendicular to it; all of which in late British maps are called St. Croix. The first is by the Indians called Maggadava, the second Schoodick, the third Cobscook.

"From every information the subscribers could obtain on inquiry of the Indians and others, the eastern river was the original St. Croix. This is about three leagues east of St. Andrews, where the British inhabitants have made a settlement. Soon after the subscribers received their commission, they wrote to Mr. Jay requesting him to give them information whether the Commissioners for negotiating the peace confined themselves in tracing the boundaries of the United States to any particular map, and if any one, to what? Since their return they received his answer, mentioning that Mitchell's map was the *only one* that the commission used, and on *that they traced the boundaries agreed to*.

"On this map two rivers were laid down; the western was called thereon the Passamaquoddy, and *the eastern the St. Croix*."

It is to be observed that the Passamaquoddy is the river at other times called the Schoodic.

The Commissioners also say, "The subscribers further represent that they find in the maps of a quarto volume published

in Paris in 1774, from Charlevoix's voyage to North America, made in 1644, two rivers delineated at the head of the bay of Passamaquoddy, the western of which is called Passamaquoddy, and the eastern St. Croix."

The westernmost river, the Cobscook, is much smaller than either of the others, and is not laid down on all the maps.

But as to the fact that the true St. Croix was east of the Passamaquoddy—otherwise called Schoodic River—there seems to be no doubt. Whatever doubt might possibly have otherwise existed is wholly removed by the testimony of Surveyor Mitchell, given in an affidavit on the 9th of October, 1784, as follows:

"The subscriber, an inhabitant of Chester, in the State of New Hampshire, voluntarily makes the following declaration, to wit: that I was employed by his Excellency, Francis Bernard, Esq., Governor of the Province of Massachusetts Bay, in April, 1764, in company with Mr. Israel Jones as my deputy, Mr. Nathan Jones as commanding officer of a party of troops, and Captain Fletcher as Indian interpreter, to repair to the Bay of Passamaquoddy to assemble the Indians usually residing there, and from them to ascertain the river known as the St. Croix. We, accordingly, assembled upwards of forty of the principal Indians upon an island then called L'Atereel, in the said Bay of Passamaquoddy. After having fully and freely conversed with them upon the subject of our mission, the Chief commissioned three Indians to show us the said river St. Croix, which is situated nearly six miles north, and about three degrees east of harbor L'Tete, and east north-east of the bay or river Schoodick, and distant from it about nine miles on a right line. The aforesaid three Indians, after having shown us the river, and being duly informed of the nature and importance of an oath, did in a solemn manner depose to the truth of their information respecting the identity of the said river St. Croix, and that it was the ancient and only river

known among them by that name. We proceeded conformably to this information in our surveys; and, in August following, I delivered to Gov. Bernard *three plans* of the said river St. Croix and the said Bay of Passamaquoddy."

This statement of Mitchell is confirmed in every respect by the deposition of Nathan Jones, given March 17, 1785, who states that he was appointed by Gov. Bernard in 1764, commander of a party to explore the woods and view the rivers, bays, &c., to ascertain the river St. Croix dividing the Province of Massachusetts Bay from Nova Scotia, and to perform a survey thereof. He said the river "St. Croix was then known as the Maggacadava."

It must be remembered that in 1764, when this survey and these plans were made, Massachusetts Bay and Nova Scotia were both Provinces of Great Britain, and that the object of Gov. Bernard, as a faithful servant of the Crown, was to find and determine the true line. He had no interest to do anything else. He appointed his Surveyor and other officers: they made their report (which in respect to this line was in conformity with the map of John Mitchell made eighteen years before), and he accepted and acted upon it; and from that date to the time of the treaty, the line so found was the established, the recognized, and the undisputed line between these Provinces. Thus by the treaty of 1783, all that then belonged to Massachusetts, all that did not belong to Nova Scotia, was ceded to the United States. The river St. Croix, dividing these Provinces, had been ascertained, and declared in the report of 1764, as it had also been laid down on the map used by the Commissioners themselves. The question was settled.

It has been seen by the reports of Generals Knox and Lincoln that Mitchell's map (although other maps were before them) was the only one "used" by the Commissioners when the treaty

was made, and that the line was drawn thereon. Not only is there the testimony of Mr. Jay to this effect, but there is also that of John Adams. Writing from Auteuil, near Paris, October 25, 1784, to Governor Cushing, he says :

“We had before us through the whole negotiation, several maps, but it was Mitchell’s map upon which we marked out the whole of the boundary lines of the United States; and the *river St. Croix which we fixed on, was upon that map nearest to St. John*; so that in all equity, good conscience and honor, the river next to St. John’s should be the boundary. I am glad the General Court are taking early measures, and hope they will pursue them steadily until the point is settled, which it may be now amicably; if neglected long, it may be more difficult.”

Nor does the testimony stop here. Dr. Franklin was one of the Commissioners by whom the Treaty of Peace was negotiated, and on the 8th of April, 1790, in a letter to Mr. Jefferson, he writes :

“I can assure you that I am perfectly clear in the remembrance that the map we used in tracing the boundary was *brought to the treaty by the Commissioners from England*, and that it was the same as that published by Mitchell twenty years before. Having a copy of that map by me in loose sheets, I send you that sheet which contains the bay of Passamaquoddy, *where you will see that part of the boundary traced*. I remember, too, that in that part of the boundary we relied much on the opinion of Mr. Adams, who had been concerned in some former disputes concerning these territories. * * * *That the map we used was Mitchell’s map, Congress were acquainted at the time by letter to their Secretary of Foreign Affairs*, which I suppose may be found upon their files.”

One would suppose that upon this record, nothing could be more clear and certain than that the river now called the Magaquadavic, was the true St. Croix that divided the Provinces of

Massachusetts Bay and Nova Scotia. It was purely a question of fact, not of convenience or argument. Did Messrs. Jay, Adams and Franklin state the facts in the letters that have been quoted? That they did has never, to my knowledge, been disputed. One will be curious to learn upon what plausible or possible grounds it could be claimed that the Schoodic, or Passamaquoddy, was the St. Croix River agreed upon and marked by the Commissioners as the treaty river.

In the first place, no sooner had the treaty been ratified than the British Government changed the ground on which it had established its claims against the French, and adopted that of France. So that Mr. Jay, our Minister at London, was well justified in the prediction made to Mr. Randolph, our Secretary of State, in a letter written November 19, 1794, in which he said :

“In discussing the question about the river St. Croix before the Commissioners,” (Commissioners had at this time been agreed upon by the treaty of 1794, known as Jay’s treaty, for determining the St. Croix), “I apprehend the *old French claims will be revived*. We must adhere to Mitchell’s map. The Vice President” (Mr. Adams) “perfectly understood this business.”

In pursuance of the 5th article of this treaty of 1794, a commission, consisting of Thomas Barclay, David Howell (Englishmen), and Egbert Benson (American), was appointed to decide the question, “What river was the true St. Croix contemplated in the treaty of peace, and forming a part of the boundary therein described?”

In the argument made by the British agent before these Commissioners, it was contended first, that by an Act of Parliament, in the year 1774, a line between Nova Scotia and Massachusetts Bay was recognized which made the Schoodic River the boundary between these Provinces.

It will be observed that even if it should appear that the Schoodic was recognized as the St. Croix, or as *a* St. Croix, by Act of Parliament in 1774, that that fact could in no way affect the other and controlling one; that the Commissioners decided that the Magaquadavic was *the* St. Croix which was to form the boundary, and traced it as such upon the official map.

But this point does not seem to have been greatly relied upon. The main contention was really an appeal to considerations of convenience and accommodation. The agent exerted himself to maintain that the American construction would carry the line to within a short distance of Fredericton, and would, by separating the sources of certain rivers running into the Bay of Chaleurs from their mouths, produce such inconvenience that it could not be supposed that such a line was in the minds of the parties who negotiated the treaty. But, when it is considered that the line from the source of the St. Croix, as decided by these Commissioners of 1794 themselves, crosses the same streams that fall into the Bay of Chaleurs, as well as the river St. John, a river which falls into the Bay of Fundy, separating its source from its debouchure, the assumption falls to the ground. It is employed, however, to prove that as the parties would respectively wish to secure within their own limits the entire course of the streams which had an outlet therein, they would fix upon that river as the true St. Croix of the treaty, which would most nearly compass this desirable end.

That this consideration had no practical weight with the Commissioners by whom the treaty of peace was made, appears not merely from the fact already stated, that the line did divide the sources of several important rivers from their mouths, but also from the fact that the north-west angle of Nova Scotia (which, by the treaty, was the north-eastern angle of the United States)

was known by all the parties to the treaty. It was a point on the southerly border of Canada, and that border was, and long had been, fixed upon a range of highlands well defined, and situated but a short distance south of the St. Lawrence River. The angle was formed on this border by a line drawn due north from the source of the river St. Croix. That this angle on the southerly boundary of Quebec (Canada), was so located that a line to it from the river St. Croix, whether that river was the Schoodic or the Magaquadavic, would intersect rivers which had their mouths within British territory, was known to the Commissioners as a fact that was beyond question. Everybody knew it; nobody doubted it. To found an argument from it for a change of the river from the one agreed upon, implies a belief on the part of the British agent that the United States, in the exhausted condition of the country, would stand a great deal of injustice before going to war again.

Great Britain, as has happened several times since, and notably in the late fisheries controversy, had the good fortune to be strongly represented on the St. Croix Commission, while the side of the United States was but feebly and inadequately supported; and so in 1798, the former succeeded in obtaining a report declaring the northerly branch of the Schoodic to be the boundary line. She had claimed the westerly branch, and all her arguments applied to that line, and were based on grounds that rendered the acceptance of a more easterly branch inconsistent and entirely inadmissible. She had demanded a line that would have brought the Province of New Brunswick to near the Passadumkeag River, and which would have nullified or contradicted every essential provision of the treaty, and she gained (doubtless all that she ever expected) a compromise line. The plain provisions of the treaty and all its undisputed history were set aside.

By this settlement, which covered the only question as to the boundary, then in dispute, and which proceeded all along on the mutual understanding that the line north of the source of the St. Croix, was where the United States claimed it to be, the State of Maine lost a strip of territory from fifteen to twenty miles in breadth, and one hundred and seventy-five miles in length, including all that is west of the Magaquadavic River, and all that is west of the river St. John from a point near the Meductic rapids some twenty miles below Woodstock, embracing that fine town and the unrivalled farming tract above and below it on the west side of the river St. John, as well as an extensive territory east of the river.

II. But our bad fortune did not stop here. The Commissioners, having agreed upon the river, decided that its source was in what is now known as Round Lake, the same, I suppose, that is laid down as North Lake on Greenleaf's map of 1815; but, when they came to make their report, for reasons which I have never been able to learn, substituted Cheputnecook for Round Lake, and thereby gave to New Brunswick a tract of country of the average breadth of ten miles, and one hundred and fifty miles long; and more by so much than was actually required, even upon the hypothesis that the Schoodic was the true St. Croix.

III. The next question that arose under the treaty, was in regard to the islands in Passamaquoddy Bay; and this, too, was decided in favor of Great Britain. By conceding the title of Maine to Moose Island (Eastport)—which could never have been in more doubt than her title to Mt. Desert—she acquired Campo Bello, and Grand Menan, a large island on our coast west of Eastport. This decision, while greatly objectionable, and unsupported by the treaty, did not do such gross violence to its terms, or to its history, as did that in respect to the St.

Croix. It was made November 24, 1817, by Thomas Barclay and John Holmes, Commissioners appointed under the provisions of the 4th article of the treaty of Ghent, December 24, 1814.

IV. For twenty years subsequent to 1794 (or the date of Jay's treaty), there was no denial of the claims of the United States respecting the treaty line, north of the source of the St. Croix, on the part of Great Britain; but, on the contrary she many times, and in various ways, assumed their correctness, and acted upon that assumption. In the hearing before the Commissioners under this treaty, she asserted it, and obtained a decision for which she argued on the basis of that assertion. In 1803, there was a convention between the two nations (which the United States failed to ratify on account of a provision touching our Western possessions), in which was inserted a clause for running the line between the source of the St. Croix and the north-west angle of Nova Scotia. It was a misfortune, so far as this State was concerned, that this convention was not ratified, for there can be no doubt that if it had been, the line would have been run and established as claimed by the United States; for, at that time, there was no thought or suggestion of any other line.

In 1804 and 1807, the subject of running the line according to the treaty was referred to by the British Government in terms implying that there was no difference of opinion between the parties as to its construction. Massachusetts had exercised undisputed jurisdiction over the territory afterwards brought into question. In 1792, she sold to Henry Jackson and Royal Flint a large tract of land lying within the claim afterwards set up by Great Britain; and in 1794, Park Holland and Jonathan Mayhew made a survey of the tract extending from the St. Croix almost to the highlands dividing the waters of the

St. John and the St. Lawrence, and which they were prevented from completing only by lack of provisions. This survey was laid down on a map of Maine drawn by Osgood Carleton, in 1795. In 1797, Massachusetts granted from the territory, afterwards in dispute, half a township to Deerfield Academy. In 1806, a grant of a half township was made to General Eaton, and in 1808, a whole township was granted to the town of Plymouth.

Down to the close of the war of 1812, the question stood in this way :

1. The language of the treaty was plain, undisputed, indisputable. Let us turn to this language once more, and see if it is open to doubt. *"From the north-west angle of Nova Scotia, to wit : that angle which is formed by a line drawn due north from the source of the St. Croix River to the highlands which divide those rivers that empty themselves into the St. Lawrence from those which fall into the Atlantic Ocean, to the north-westernmost head of Connecticut River. * * East by a line to be drawn along the middle of the river St. Croix, from its mouth in the Bay of Fundy to its source, and from its source directly north to the aforesaid highlands which divide the rivers that fall into the Atlantic Ocean from those which fall into the river St. Lawrence."*

2. Great Britain had raised no question as to the validity of our claim in respect to *this* line, but, in order to secure her own interpretation as to the river St. Croix, had deliberately admitted it, and thereupon laid a foundation for an argument, to convince the Commissioners of the justice of her contention in regard to the river, and had further admitted it by the terms of the Convention of 1803.

3. Massachusetts had exercised unquestioned and undisturbed jurisdiction over the territory for more than twenty years.

But, by the close of the war of 1812-15, England had learned something of the probable value of a way between her eastern and western Provinces, and that such a way would most conveniently, if not necessarily, lead across the State of Maine. She affected to believe (and therein was a grave affront) that that war was waged by the United States in part for the conquest of the Canadas, and insisted that it was therefore reasonable and proper that she should take steps to protect them against future attacks. On the fourth of September, 1814, her Minister at Ghent wrote to our Minister as follows: "If, then, the security of the British North American dominions requires any *sacrifice*" (note the word) "on the part of the United States, it must be ascribed to the declared policy of that government in making the war not one of self-defence, nor for the redress of grievances, real or pretended, but a part of a system of conquest and aggrandizement."

But, even under the spur of this source of apprehension, Great Britain was not prepared to assert that, by the treaty line, the road-way was not in the territory of the United States. She admitted that it was, and asked for a conventional line.

On the eighth of August, 1814, the British Commissioners, who were then engaged in an effort to make peace, in a note to the American Commissioners, describe their request as "such a VARIATION of *the line of frontier as may secure a direct communication between Quebec and Halifax.*" To this, on the twenty-fourth of August, the American Commissioners replied that they had "no authority to CEDE any part of the territory of the United States," and could agree to no such line. The British Commissioners, on the fourth of September, return to the subject, and say that they are "persuaded that an ARRANGEMENT on this point might easily be made, if entered into in a spirit of conciliation, without any prejudice to the interests of the district in question." From this, it would seem that England did

not ask for a clear title, but only for an easement, or right of way. But, however this may have been, the American Commissioners, on the ninth of September, protested once more that they had no authority to *cede* any part of the State of Massachusetts, *even for an equivalent.*" But this plain and decisive answer did not silence the British Commissioners; it, however, led them to change their base and plan of attack. And so we find them, on the eighth of October, replying that the British Government "never required that all that portion of Massachusetts intervening between the Provinces of New Brunswick and Quebec should be *ceded* to Great Britain; but only *that small portion* of unsettled country which interrupts the communication between Quebec and Halifax, *there being much doubt whether it does not already belong to Great Britain.*"

It is curious to note that when at last the British Commissioners found themselves compelled to take a new departure, and occupy a position inconsistent with all their previous claims, and arguments and concessions, the new rôle was so strange, that in opening it they could not avoid confessing, by their language, that it was a false one. They spoke of a *cession*, *i. e.*, of a grant, of a "small portion" of country that "interrupts the communication between Quebec and Halifax." As that interruption was between the Grand Falls on the St. John and the river St. Lawrence, it results that at this time the American title north of the former river was acknowledged, and a cession of a small part of it only solicited.

This was the prelude to the doubt, raised for the first time in the history of this question, as to the perfectness of the American title—a doubt not only unmentioned, but unexisting, until after it had been discovered that no propositions for a new line would be entertained by the Commissioners of the United States. There was then no alternative for Great Britain but to lay the

foundation for a dispute, and see what would come out of it. But even then, she was not prepared to claim as hers, by the terms of the treaty, the territory which she had so persistently urged, and still continued to urge the government of the United States to *cede* to her.

Finding that no "variation," "cession," "revision," or "arrangement" could be obtained through the American Commissioners, a provision—being the 5th article of the Treaty of Ghent—was agreed upon for running the line (not for making a new one) in conformity with the treaty of 1783. It was further stipulated that in case a failure to run the line by the Commissioners, to be appointed for that purpose, the differences arising between the parties should be referred to the decision of a friendly Sovereign.

Thomas Barclay, of whom we have heard more than once before, as a Commissioner under the treaty, on the part of Great Britain, and Cornelius P. Van Ness, on the part of the United States, were appointed Commissioners to ascertain and run the line. An actual survey was arranged, and surveyors appointed, to wit: Charles Turner, Jr., on the part of the United States, and Colin Campbell on the part of Great Britain. About twenty miles of the line was surveyed, then the work was discontinued, never to be resumed; but an exploring survey was commenced by Col. Bouchette, on the part of Great Britain, and John Johnson, on the part of the United States. These gentlemen made an exploring line in 1817, extending ninety-nine miles from the monument at the head of the river St. Croix, and made separate reports of their doings. In 1818, Mr. Johnson, with Mr. Odell, who had taken the place of Col. Bouchette, finished running the exploring line to the Beaver or Metis River. It was in this year that the opinion was first expressed by the British agent, that Mars Hill, an isolated mountain south of

the Aroostook River, might be the north-west angle of Nova Scotia, and the north-eastern boundary of Maine. And he, having given expression to this novel and preposterous conception, proposed to discontinue the survey along the highlands south of the river St. Lawrence, return to Mars Hill, and explore thence westerly towards the sources of the Chaudiere and Kennebec. The result was that the surveyors disagreed, the British surveyor refused to go on and finish the exploring survey now almost completed, and the work was abandoned.

From this time, Great Britain began to assert title in herself to the country north of Mars Hill, hesitatingly at first, but more positively afterwards. To enable her to do this, even to her own acceptance, she was compelled to rely on the quibble heretofore mentioned, that a line due north from the source of the St. Croix would, before reaching the north-west angle of Nova Scotia, as claimed by the United States, and as laid down in all the Provincial charters and commissions of royal Governors, cross several streams that flow into the *Bay* of Chaleurs; and, therefore, these highlands would not divide waters that empty themselves into the river St. Lawrence from those which fall into the Atlantic Ocean.

And it signified nothing to her that it was answered, that the plain meaning of the treaty was to find highlands which divided rivers flowing into the St. Lawrence from those falling into the Atlantic Ocean directly, or through some bay or gulf. It was in vain that it was replied that this new interpretation defeats the treaty line altogether; for by it, even the river St. John does not fall into the Atlantic Ocean, but into the Bay of Fundy. If these highlands are denied because they cannot be reached before crossing the waters of the Restigouche, neither can they without crossing the St. John, the Aroostook, the Meduxnekeag and other rivers. The Penobscot River does not

fall into the Atlantic Ocean upon this interpretation, but into Penobscot Bay; the Kennebec flows into the Bay of Sagadahoc, and not into the Atlantic Ocean. There are, upon this view, no rivers on our coast that fall into the Atlantic. It was in vain that it was said that, upon the British contention, the line does not divide any rivers that fall into the St. Lawrence from any other rivers whatever; that it divides only those falling into the St. John on the north and east from those falling into the Penobscot and Kennebec on the south and west, and not any that flow into the St. Lawrence on the one side from any that flow into the Atlantic Ocean on the other; that it was pointed out that on the British construction, both the St. Lawrence River and the Atlantic Ocean were completely erased from the treaty. And it availed nothing that the absolutely unanswerable point was made, that the southerly line of the Province of Quebec ran along highlands which divided waters that fall into the St. Lawrence from those which flow into the ocean through the Bays of Chaleurs, Fundy, Penobscot, &c., and was a well-known and established line for many years, and that where a line drawn from the head of the river St. Croix intersected the south line of the old Province of Quebec, was the north-west angle of Nova Scotia—the angle referred to in the treaty. It was all irrelevant or unimportant; Mars Hill, an isolated peak, and no range at all, *several miles west* of a direct north line from the source of the St. Croix, and in no way intersected by such a line, was the true angle. True, it was a solitary peak; it was not touched by the north line; it divided no rivers running into the St. Lawrence from any that were emptied into the ocean, or that had an outlet anywhere else!

An administration that should at the present day receive such a pretension as this in any other light than as a deliberate affront, would be regarded as unworthy of the public respect, and be

speedily dismissed from its confidence. It was only in the hour of the country's exhaustion, and absolute need of a season for recuperation, that the provocation for plainness of speech or for action, such as I am glad to say was in our own State not unworthily responded to, was restrained in the country at large by what were regarded as the counsels of prudence.

Down to 1763, when by treaty with the French, Canada was acquired by Great Britain, both New England and Nova Scotia extended to the southerly shore of the St. Lawrence River. But, at this time, when it became necessary to establish the Province of Quebec, the King extended its limits so as to include the valley of that river on the south. The royal proclamation of October 7, 1763, established the southerly boundary of the Province of Quebec on the highlands which separated the rivers running to the north or north-east into the St. Lawrence from those running to the south and south-east. In other words, the Treaty of Peace of 1763 made this southerly boundary of Quebec the northerly one of Massachusetts. Parliament, in 1774, confirmed the southerly boundary of Quebec as described in the proclamation of the King in the previous year.

A map, on which these highlands were laid down, had been made by John Mitchell, at the request of the Lords Commissioners of Trade and Plantations, in 1755, and was the acknowledged, authoritative map of the time. So far as this boundary line is concerned it was, as we have seen, followed and adopted by John Mitchell in his survey and plan in 1764. Whether the John Mitchell who made the survey in the latter year was the author of the map of 1755 or not, it is certain that the easterly line of Massachusetts, as claimed by the United States, was verified and authenticated by both the map of 1755 and the plan of 1764. The former was produced by the British Commissioners at the negotiation of the treaty, and was adopted and

used by both parties. It was the official map, and a part of the record.

Referring to the point on which the British pretensions were founded, to wit: that the St. John River does not fall into the Atlantic Ocean, but into the Bay of Fundy, and therefore the dividing line or highlands must be sought south of this river, I am induced to quote a few paragraphs from a report made to the Senate of the United States, July 4, 1838, by Mr. Buchanan, afterwards President of the United States:

“Now, what are the objections to this extraordinary pretension, as the committee are constrained to call it?

“And, first, what is the Bay of Fundy, if it be not a part of the Atlantic Ocean? A bay is a mere opening of the main ocean into the land—a mere interruption of the uniformity of the seacoast by an indentation of water. These portions of the ocean have received the name of bays, solely to distinguish them from the remainder of the vast deep, to which they belong. Would it not be the merest special pleading to contend that the Bay of Naples was not a portion of the Mediterranean, or that the Bay of Biscay was not a part of the Atlantic Ocean?

“Again: the description of the treaty is, ‘rivers which fall into the Atlantic Ocean.’ Can it be said, with any propriety, that a river does not fall into the Atlantic, because, in reaching the main ocean, it may pass through a bay? And yet this is the British argument. The Delaware does not fall into the Atlantic, because it flows into it through the Bay of Delaware; and, for the same reason, the St. John does not fall into the Atlantic, because it flows into it through the Bay of Fundy. The committee know not how to give a serious answer to such an argument. The bare statement of it is its best refutation.

“But, like all such arguments, it proves too much. If it be correct, this portion of the treaty of 1783 is rendered absurd and suicidal; and the wise and distinguished statesmen, by whom it

was framed, must be condemned by posterity, for affixing their names to an instrument, in this particular, at least, absolutely void. Although they believed they would prevent 'all disputes which might arise in future, on the subject of the boundaries of the United States,' by fixing their commencement at 'the north-west angle of Nova Scotia,' and running from thence along 'the highlands which divide those rivers which empty themselves into the river St. Lawrence, from those which fall into the Atlantic ocean,' yet it is absolutely certain, that there was not a single river in that whole region of country which, according to the British construction, did fall into the Atlantic ocean. They all fall into bays, without one exception. Neither can we plead ignorance as an excuse for these Commissioners; because it is fully in proof, that they had Mitchell's map before them, from which the fact clearly appears. The Ristigouche does not fall into the Atlantic, because it has its mouth in the Bay of Chaleurs; nor does the Penobscot, because its mouth is in the Bay of Penobscot; nor do the Kennebeck and Androscoggin, because, after their junction, they fall into the Bay of Sagadahock. The same is true, even of the Connecticut, because it empties itself into Long Island Sound. All the rivers in that region are in the same condition with the St. John. Thus it appears, if the British argument be well founded, that the Commissioners have concluded a treaty, and described highlands, whence streams proceed falling into the Atlantic, as a portion of the boundary of the United States, when from the very face of the map before them, it is apparent no such streams exist.

"There is another objection to the British claim, which is conclusive. Wherever the highlands of the treaty exist, they must be highlands from which on the north side streams proceed falling into the St. Lawrence. This portion of the description is as essential as that from their south side streams should issue falling into the Atlantic. Now, the British claim abandons the former part of the description altogether. Their line of highlands commencing at Mars Hill, is at least a hundred miles south of the

highlands whence the tributaries of the St. Lawrence flow. Between these highlands and those claimed by the British Government, the broad valley of the St. John spreads itself, watered by the river of that name, and the streams which empty into it from the north and from the south. The two points on the western line of New Brunswick are distant from each other more than a hundred miles; and when you arrive at the British highlands, you find that they divide the sources of the St. John and the Penobscot, and not the sources of streams falling into the St. Lawrence and the Atlantic Ocean, according to the description of the treaty.

* * * * *

“But how is it possible ever to embrace Mars Hill in the line of highlands running from the western extremity of the Bay of Chaleurs, and forming the southern boundary of the Province of Quebec? It is clear that in this, and in this alone, the north-western angle of Nova Scotia is to be found. Mars Hill is one hundred miles directly south of this line. You cannot, by any possibility, embrace that hill in this range, unless you can prove that a hill in latitude $46\frac{1}{2}$ is part of a ridge directly north of it in latitude 48; and this, notwithstanding the whole valley of the St. John, from its southern to its northern extremity, intervenes between the two. The thing is impossible. Mars Hill can never be made, by any human ingenuity, the north-west angle of Nova Scotia.”

In closing the discussion of the question of right, Mr. Buchanan's report employs this very emphatic language:

“Upon the whole, the committee do not entertain a doubt of the title of the United States to the whole of the disputed territory. They go further, and state that if the general Government be not both able and willing to protect the territory of each State inviolate, then it will have proved itself incapable of performing one of its first and highest duties.”

The following resolution was passed unanimously by both Houses of Congress:

“Resolved, That after a careful examination and deliberate consideration of the whole controversy between the United States and Great Britain, relative to the north-eastern boundary of the former, the Senate does not entertain a doubt of the entire practicability of running and marking that boundary, in strict conformity with the stipulations of the definitive treaty of peace of seventeen hundred and eighty-three; and it entertains a perfect conviction of the justice and validity of the title of the United States to the full extent of all the territory in dispute between the two parties.”

Having thus described and explained the several and conflicting claims of Great Britain in respect to this territory, I now proceed to give a brief history of negotiations and events connected with the question subsequent to the treaty of Ghent, and to the abandonment of the Odell and Johnson survey.

For twenty years after this treaty, Great Britain received no new light, and made no new arguments; but with these alone she commenced making aggressions—gradually, quietly, moderately at first, so as not too soon to arrest the attention of the United States—and after a series of acts of occupation and jurisdiction, came at length to more open and positive claims, such as should afford a pretext for proposing a mutual or concurrent jurisdiction of the territory.

Following the course of events after the erection of Maine into a State, we find in the year in which that event happened, the government of the United States taking the census of Madawaska, on both sides of the river St. John, with no objection from Great Britain.

Governor King, in his message to the first Legislature of Maine, expresses his inability to inform that body what progress had been made under the 5th article of the treaty of Ghent, in settling the boundary, but he complains that the agent appointed on the part of the United States, in reference to this

question, had not been selected from Maine or Massachusetts. The Legislature passed a Resolve requesting the federal government to cause the line to be run and established.

Governor Parris, in his annual message in 1822, informs the Legislature that he learns that the "claims of the British Commissioner cover a tract of country heretofore confessedly belonging to this State, and over which it has exercised jurisdiction," and suggests that the attention of our Senators and Representatives in Congress be called to the subject, and the more, as neither the Commissioner or agent, on the part of the United States, belongs to this State. A Resolve was passed by the Legislature January 16, 1822, requesting our Senators and Representatives in Congress "to collect all the information which they can obtain, relating to the causes which have produced the difference of opinion between the American and British Commissioners, * * * and the extent and nature of the claims set up by the British Commissioner, and transmit said information to the Executive of this State."

In his message for 1823, Governor Parris makes no reference to this subject.

In 1824, he returns to the question in these words: "In consequence of the disagreement of the Commissioners appointed under the 5th article of the treaty of Ghent, a proposition has been made by the government of the United States, and accepted by the British Government, to endeavor to establish this boundary by amicable negotiation, rather than by the decision of a foreign power, as provided by the treaty. This arrangement is believed to be satisfactory to Maine, and we have reason to feel a confidence that the negotiation will be so conducted as to secure to this State its just rights."

But matters do not look quite so well in 1825, and we find Governor Parris a little impatient at the slow progress that is

being made towards an establishment of the boundary line. He tells the Legislature, in his message to that body, that "there is reason to believe that depredations to a very considerable extent have been committed on our timber lands lying on the Aroostook and Madawaska, and other streams emptying into the St. John. * * It is represented that these depredations are committed by British subjects, and on that portion of the territory of the State which is claimed by the British government as belonging to the Province of New Brunswick. This pretended claim, it is understood, includes about one-third of our territory, and comprehends a great portion of our best timber land and large tracts of superior quality for cultivation and settlement."

A committee of the Legislature reported that they were satisfied that the trespasses referred to by the Governor, were committed under permits and licenses from British authorities, and that it behooved the States of Maine and Massachusetts "to adopt the most efficient measures to prevent further encroachments upon this territory, and to urge upon the national government the necessity and importance of bringing to a speedy and favorable termination the negotiation on this interesting subject, which has been so long protracted."

On the twenty-sixth of February of this year, the Legislature passed a Resolve respecting the settlers on the territory, of which the following is a copy :

"Whereas, There are a number of settlers on the undivided public lands on the St. John and Madawaska Rivers, many of whom have resided therein more than thirty years; therefore,

"Resolved, That the land agent of this State, in conjunction with such agent as may be appointed for that purpose on the part of the State of Massachusetts, be, and he is hereby authorized and directed to make and execute good and sufficient deeds conveying to such settlers in actual possession, as aforesaid, their heirs and

assigns, one hundred acres each of the land by them possessed, to include their improvements on their respective lots, they paying to the said agent, for the use of the State, five dollars each and the expense of surveying the same."

Authority was given by another Resolve to sell timber on territory lying on or near the river St. John.

Massachusetts passed similar Resolves to the above, and during the year deeds were executed and delivered by James Irish and George W. Coffin, land agents, to John Baker and James Bacon, of the lands occupied by them on the north side of the St. John River, lying on the Mariumpiticook River, west of the Madawaska River, and ten to fifteen miles above any of the French settlements. As early as 1817, several families from Kennebec County had settled in this neighborhood, among whom was Nathan Baker. Nathan died before 1825, and his widow married his brother, John Baker, who occupied the premises that had been taken up by Nathan, and on which not only a dwelling house, but a saw mill and grist mill, had been erected. There were several other American settlers in this neighborhood.

Governor Parris called the attention of the Legislature to the subject once more, in his annual message of 1826, and expresses increased uneasiness in view of the condition of affairs, and urges that measures be taken to procure copies of maps, reports and other papers bearing upon the question. In the Legislature, a committee, of which Reuel Williams was chairman, reported a Resolve, which was passed, requesting the Governor to procure copies of maps, documents, publications, papers and surveys relating to the boundary; and also, if Massachusetts should concur, to "cause the eastern and northern lines of the State of Maine to be explored, and the monuments upon those

lines mentioned in the treaty of 1783 to be ascertained in such manner as may be most expedient."

Another Resolve passed by the Legislature this year, provided for the opening and clearing of a road from Penobscot River to Houlton, and for marking a road from the mouth of the Mattawamkeag to the mouth of Fish River in the river St. John.

In January, 1827, Enoch Lincoln, whose devotion to the interests and honor of the State was so engrossing and complete as to make his name a synonym for both, was inaugurated Governor.

Referring in his first message to the north-eastern boundary question, he said—

"It becomes a community to be tenacious of its territorial possessions, when its relative political importance and its self-protecting powers are in a degree involved in them. But as we have no reason to believe that the right or disposition anywhere exists to cede our soil, under the pretext of adjusting a limit, which would be an abuse in which neither the people nor the governments of the Union or the States would acquiesce, we may safely anticipate that our landmarks will be held sacred, and that our inalienable sovereignty will be respected."

Here were strong, clear, unmistakable words. The right, which there were some grounds to fear might be asserted, was denied—the right to cede our soil "under the pretext of adjusting a limit." Our title was "inalienable."

It has been seen that the Legislature of the last year called on the government of the United States for copies of maps and documents. This request was not complied with, for reasons which appear in the journal of President John Quincy Adams, under date of August 14, 1826. Mr. Adams says: "Mr. Parris"—Governor Parris of Maine, who had called upon the President—"spoke of the deep interest which his State had in the controversy; and

although he felt full confidence that the government of the United States would consent to no stipulation injurious to the rights of the State, yet he said they were not without apprehensions that New York might be willing to purchase Rouse's Point at the expense of Maine"—a fear that was prophetic, for it was literally realized in the Ashburton treaty in 1842. The journal continues: "He manifested a wish to be furnished with copies of the arguments of the agents, and reports of the Commissioners under the 5th article of the treaty of Ghent, which we declined giving heretofore, from an apprehension that a premature disclosure of them might operate unfavorably upon the negotiation. I told him that their great bulk was an obstacle to the furnishing of copies, but that they had been, and would still be, open to the inspection and perusal of the Representatives and Senators from Maine, and would be equally so to the Governor of the State, if present."

Alluding to this refusal to give copies by the federal government, Governor Lincoln, in his message for 1827, said: "My immediate predecessor has solicited the documents contemplated by a Resolve of a former Legislature relative to our boundary, and I cannot but hope that the person applied to will find the obligations of his situation so modified as to admit his furnishing the proper officers of this State information by which it may be prepared to judge correctly of the rights of the Union and of a foreign nation, in connection with that independent right which it ought to maintain, so far as the prudent application of all its justifiable means will permit."

So much of this message as related to the boundary was referred to a joint select committee, which made a brief report through the Hon. John G. Deane, a gentleman who, with the possible exceptions of Governor Lincoln and Mr. Daveis, understood this question better than any man living.

"The State," said the committee, "neither seeks nor claims more than her own, but she has a deep interest in preserving and retaining all to which she has a right; and will not be wanting in any proper exertion to preserve and maintain the integrity of her territory." Again, "We can anticipate only one class of events which would invest a right in the general government to give up any such territory; and those events are such only which, from the application of external force, would impair the national compact and destroy the present Union. In any other case we deny the right of the government of the United States to yield any portion of our territory to any other independent sovereignty, unless by the consent of the State."

A Resolve was passed requesting the Governor to take all measures he should deem expedient in acquiring information, and procuring a speedy adjustment of the dispute according to the treaty of 1783.

Full of the subject himself, sensitive to the honor of the Commonwealth, stung by the indignity done her by the seizure and imprisonment of her citizens by a foreign power, impatient of the trifling excuses and pretexts by which her rights and interests had been kept in abeyance for forty years, and thus armed and instructed by the Legislature, the Governor went to work at once, in the most earnest and vigorous manner, to bring the question to the front and secure its prompt and just settlement.

On the twentieth of March, he addressed a letter to the Secretary of State at Washington, transmitting the above Report and Resolve, and asking for copies of the documents which had been before denied. The Secretary (Mr. Clay) replied on the twenty-seventh of March, and assured the Governor that the President felt a most lively solicitude on the subject that Mr. Gallatin was charged with, and had entered on a negotiation

concerning it; that the prospect was that there would be no alternative but referring the difference to arbitration according to the provisions of the treaty of Ghent; that copies of maps, surveys, or documentary evidence would be furnished when applied for, but that copies of the reports and arguments of the Commissioners could not be given; that the British government had abstained, under a promise given by her Minister at Washington, from any NEW exercise of sovereignty over the disputed territory, and he hoped that Maine would, during the pendency of negotiations, practice a like forbearance.

To this communication Governor Lincoln replied on the eighteenth of April, 1827, and, after assuring the President (in answer to some unfounded report that State officials had been proposing a change of boundary) "that Maine will never jeopardize the common welfare by failing to insist on the justice and indefeasible character of its claim, or by shrinking from a firm assertion of it in any alternative," he continued, that it was "with regret, not unmingled with mortification, that he considered the denial of the use of the reports and arguments of the Commissioners under the treaty of Ghent. * * * Maine had sought information only as an interest vital to herself, as well as important to the country, without any purpose calculated to excite distrust, with only such patriotic views as have rendered the refusal to comply with her request a subject of that species of surprise which a friend, predetermined to take no offence, feels when he is not treated with correspondent confidence." The request for papers is renewed, under a promise that they shall be used only before the Legislature, and under the restrictions of confidential communications. The Governor then reminds Mr. Clay that it is a proposition which has been demonstrated by himself "so clearly as to have commanded general respect, that the abstraction of the territory of the

United States cannot be made by the treaty-making or executive power." Much more, then, he says, must the domain of a State be sacred. Referring to an expression of Mr. Gallatin, that an umpire, whether king or farmer, rarely decides on strict principles of law, and has always "a bias to try, if possible, to split the difference," he protests against any arrangement which will endanger the half from the circumstance of a wrongful claim to the whole, under the pitiful weakness which is liable to split the difference between right and wrong.

Mr. Clay writes the Governor on the seventh of May, giving lists of the papers and maps, copies of which would be furnished; and as to the others, he says they may be inspected by the Governor, or any agent of the State, confidentially.

On the twenty-ninth of May, Governor Lincoln, after referring to the discouraging character of his previous correspondence with the Secretary of State, says, "that having learned that the title of the State" to an extensive tract of country, "is involved in the details of a diplomatic arrangement conducted under the sanction of the executive department of the federal government, Maine, although not consulted, yet bound from deference to pay a due respect to reasons, the nature and force of which she is, from a studious and mysterious reserve, rendered unable to comprehend, believes that she ought to present her expostulation in regard to any measures threatening her injury." He understands that the question is not to be limited in the submission to the treaty line of 1783, and that the Sovereign may decide at pleasure on the whole subject, without being bound by the obligations of an oath; and that the Sovereign is one whose feelings will be prejudiced against a Republic accused of inordinate ambition. And he adds: "It is not in cold blood that I can anticipate the committing the destinies of Maine to an irresponsible arbiter to be found in a distant land, and necessarily

unqualified to act in the case. * * Suffice it to say that the proposed arbitration will jeopardize, without her consent and against her will, the rights of Maine. And allow me to add," continued the Governor, in those grave and strong words which stirred the blood of every true son of Maine to a boiling heat, and, reaching the department of State, brought the federal administration to a halt in what it had been apprehended were its purposes, "*that if called upon to make the required sacrifice, she will be compelled to deliberate on an alternative which will test the strictness of her principles and the firmness of her temper.*"

He reminds the President that when Massachusetts entered the Union "she yielded no right to dispose of her soil, or to abstract any part of it from her jurisdiction, * * nor to expose, without her consent, her dearly purchased and sacred rights to arbitrament." He warns him that the State of Maine "will not observe any procedure by the United States and Great Britain for the severance of her territory and the abrogation of her authority, without a sensibility too serious to be passive. *She holds that her domain is not the subject of partition.*" He puts the question in a paragraph: "No statesman will assert that the treaty-making power is competent to an act transcending the scope of the combined trusts of the government."

Recurring, as he could not help doing, to the effrontery of the British claim, with which our government permitted itself to be trifled with, he declares that "It may be confidently asserted not only that the provision of the treaty of 1783 is imperative, but that it describes our boundary with a precision which shames the British claim, and, connected with the making of that claim, casts a shadow over the lustre of the British character." He closes this remarkable letter with an expression of regret that the government should refuse the information con-

templated by a resolution of the State, but says he shall continue to hope for the preservation, under the protecting care of the government, of that now exposed territory, destined under any proprietor to be soon occupied by a numerous population, engaged in all the pursuits which sustain human life and adorn human nature."

This letter is acknowledged by Mr. Clay on the ninth of June, and the Governor is assured that the observations made therein shall receive due attention and respectful consideration, and that in no contingency is any arbitration contemplated of the difference between the two countries, but that for which provision has been solemnly made by treaty—that is, the question to be submitted shall concern alone the treaty line of 1783.

September third, the Governor informs the Secretary of State, that he has information of acts of encroachment and aggression upon our territory by the authorities of New Brunswick; that American settlers holding lands, under titles from Maine and Massachusetts, are denied the right to hold real estate, are taxed as aliens, and are refused the transmission of their products as American, while acts of jurisdiction are constantly exercised by these authorities. He then proceeds to show the value of this country to Maine and the United States, and the importance of excluding British control and jurisdiction. He refers to our right to the navigation of the river St. John by the law of nations, as recognized in the case of the Mississippi River, and to the wrong that will be done if this right is allowed to be successfully contested. He again informs the Department that Maine will never assent to the result of an arbitration unfavorable to her interests and in derogation of her rights.

On the fourteenth of September, Mr. Clay informs Governor Lincoln that he has advised the British minister that it is expected the necessary orders will be given on the part of the

British government to enforce forbearance from new acts tending to strengthen its claims. It will be remembered that an understanding had been come to between these parties, that there should be no "new" acts of this kind by either side.

Notwithstanding this agreement and notice, Governor Lincoln had occasion, on the twenty-second of October, to write the Lieutenant-Governor of New Brunswick, that he has information that one of the citizens of Maine, by the name of John Baker, while residing on its territory, has been arrested and detained in gaol at Fredericton, in that Province, and asks to be advised concerning the facts. He informs the Lieutenant-Governor that the attempt to extend the jurisdiction of New Brunswick over this territory will compel counter action from Maine. He says: "The arrest of our citizens on what we believe to be a part of our State, will demand its utmost energies for resistance."

The Lieutenant-Governor of New Brunswick, on the fifteenth of November, acknowledges the receipt of the above letter, but declines to give any information, on the ground that he is not permitted to give it except to those with whom he is directed to correspond, or under whose orders he is placed, and declines to have any further correspondence with the Governor of Maine. The scarcely veiled insolence of this reply, especially when considered in connection with the correspondence between Governor Fairfield and Lieutenant-Governor Harvey, hereafter referred to, is painfully apparent.

The Governor of Maine, however, came into possession of an official writ, by which it appeared that John Baker was ordered to appear and answer for that he had entered and intruded upon the lands of the King in the County of Kent, in the Province of New Brunswick, and erected and built thereon a house and other edifices, and cut and felled and carried away timber and

other trees, &c. This was alleged to have been done on land situated on the northerly side of the St. John River, and between the rivers Madawaska and St. Francis.

On the fifth of November, the Governor appointed Charles Stuart Daveis, Esquire, of Portland, agent, with authority to act in behalf of the State of Maine in obtaining information, either informally or by authenticated statements, as to all subjects relating to rights of property and jurisdiction between the government of the State and that of New Brunswick. Mr. Daveis took with him a letter from the Governor of Maine to the Lieut.-Governor of New Brunswick, advising the latter of Mr. Daveis' appointment, and its object, and stating that he was authorized to demand the release of Baker.

On the sixteenth of November, the Governor acknowledges the receipt of the documents (so long withheld) from the Department of State, but expresses his regret that, from the contents of the Secretary's letter of the tenth instant, he learns that the objections he has offered to arbitration, without consulting this State, have been unavailing. He adds, in a voice almost choked with grief: "At last we learn that our strength, security and wealth are to be subjected to the mercy of a foreign individual, who, it has been said by your minister, 'rarely decides upon strict principles of law, and has always a bias to try, if possible, to split the difference.' I CANNOT BUT YIELD TO THE IMPULSE OF SAYING, MOST RESPECTFULLY, THAT MAINE HAS NOT BEEN TREATED AS SHE HAS ENDEAVORED TO DESERVE."

He then informs the Secretary of the facts in the case of John Baker.

By this time, the excitement in the State, occasioned by the imprisonment of Baker and other acts by the Province of New Brunswick, had grown to such a heat, that Governor Lincoln

found it necessary, in order to prevent premature collisions, to issue a proclamation, in which he exhorted forbearance and peace on the part of citizens suffering or threatened with wrong, and those interested by sympathy and principle on account of the violation of our territory, "so that the preparations for preventing the removal of our landmarks, and guarding the sacred and inestimable rights of American citizens may not be embarrassed by any unauthorized acts."

Mr. Clay writes Governor Lincoln, on the twenty-seventh of November, that "the government of the United States is fully convinced that the right of the territory in dispute is with us, and not with Great Britain. The convictions of Maine are not stronger in respect to the validity of our title than those which are entertained by the President." But he reminds his correspondent that the United States is under treaty obligation to refer the question, and cannot refuse to carry out what it has pledged itself to perform.

Mr. Daveis, of whose appointment notice has been taken, visited Houlton and Fredericton this autumn. At the former place he met persons who had come from above Madawaska, and were enabled to report to him the condition of things in that section so fully that he did not deem it necessary to visit it in person. He gives, in a report made to the Governor Jan. 31, 1828, a succinct history of the progress of the settlements on the territory in dispute, by citizens of Maine and Massachusetts; of trespasses in the way of cutting timber by inhabitants of New Brunswick under license from that Province; of seizures from, and impositions upon, American citizens by Provincial authorities, by the service of precepts issued by magistrates in New Brunswick, on American citizens within their own lines; and the removal of property from this State by virtue of levies on executions issued by Provincial courts. New Brunswick

officials warned off American citizens from lands lying within forty miles from Houlton and west of the boundary line. American citizens were driven, by fear, from occupying their own houses to "lodging about in different places, in barns, or in the woods, mustering together for the night in larger or smaller parties, or separating for greater security." Mr. Daveis gives some account of the settlement of the Acadians on the river St. John after the peace of 1783, whose number, by the American census of 1820, was over eleven hundred. The first settlement by Americans in this neighborhood was, he reported, in 1817, and not far from the mouth of the river St. Francis. This settlement was made by several families from the County of Kennebec, in this State. Among them were those of Baker and Bacon, before referred to, who, in the year 1825, received deeds of their possessions from the land agents of Maine and Massachusetts, and who built a mill under the authority of these States. These American families entered into a compact between themselves, by which they agreed to submit all disputes and differences with each other to a tribunal of their own appointment. This was done to avoid and deny all British jurisdiction. It was to last only one year, as the settlers expected to receive, before the expiration of that time, from their State government, the protection of its regular and constituted authorities, for which they had petitioned. That this "home rule" might be properly inaugurated, the Americans assembled at John Baker's, and erected a staff and raised a rude representation of the American eagle, and they enjoyed a repast in the evening at his house, at which there were music and dancing. When these facts came to the knowledge of one Morehouse, a provincial magistrate who had on many occasions given annoyance, and inflicted injury and outrage upon citizens of this State living on their own soil, and sometimes on grants made

by Maine and Massachusetts, he presented himself at John Baker's and gave order for the removal of the American ensign, which Baker—thenceforward called General Baker—declined to obey. Morehouse then demanded the paper of agreement or compact, which Baker refused to deliver. About this time it so happened that Baker had made some inquiry of a Frenchman, who was carrying a mail, in respect to that service, which the latter misunderstood, and interpreted as indicating a purpose to interfere with its performance. Thereupon, Morehouse issued a warrant against Baker, and not him alone, but Bacon and one Charles Stetson also, as connected with him in such imputed interference.

Mr. Daveis continues his account in these words :

“Early in the evening of the twenty-fifth of September, soon after their return”—from Portland, where Baker and Bacon had been to report the state of affairs on the St. John, and to solicit aid from the State—“and while Baker and his family were asleep, the house was surrounded by an armed force, and entered by persons of a civil character and others armed with fuses, &c., who seized Baker in his bed, and conveyed him, without loss of time, out of the State. The particulars relating to this circumstance are detailed in the statement of Asahel Baker, a nephew of John Baker, who was first awakened by the entry. * * The person conducting the execution proved to be of high official character and personal respectability in the Province of New Brunswick. He was informed that papers were in the possession of Baker, justifying him under the authority of the States; but he replied that it was not in his power to attend to any remonstrance. No resistance was made by Baker, and no opportunity was afforded him to have intercourse with any friends and neighbors, from whom it was reasonable to suppose opposition might have been apprehended. Mr. Baker was carried before Morehouse, in obedience to the warrant; it does not appear that any examination took place, how-

ever, but that he was conveyed to Fredericton and there committed to gaol. The letter from your Excellency to the American inhabitants at the upper settlement, was delivered by him to the authority under which he was imprisoned, and after some detention restored to him.

“The immediate impression produced among the inhabitants of the settlement by this circumstance, may appear from the further statement of Asahel Baker. He was the person employed to bring a representation from them of the arrest of John Baker, which was deposited by him in the first post office he reached in Kennebec. He was absent some days, and on his return found that several of the inhabitants had departed. It appears that in the interim the alien tax had been again demanded, and process had been served upon the American settlers, generally, similar to that which had been previously served on the Aroostook, indiscriminately, to appear at Fredericton in October, to answer to suits for trespass and intrusion on Crown lands, under the penalty of one hundred pounds. It is understood that the service of this process was extended to the American settlers towards the St. Francis and upon the Fish River, where the road laid out by the Legislatures of the two States terminates. In consequence of these circumstances, it appears that three of the American settlers, Charles Stetson, Jacob Goldthwait and Charles Smart have parted with their possessions and removed from the settlement into the plantation of Houlton, where they are at present seeking subsistence. Stetson was a blacksmith, in good business, and was concerned in the measure relating to Morehouse. The motives and particulars of their departure are stated by them in their respective affidavits.

“In the precarious state of their affairs, it is probable that no certain estimate can be formed of their sacrifices; but it is evident that the measures made use of towards the inhabitants in general, for whatever purpose, have had the effect to expel a portion of them, and to intimidate the remainder. * * It is evident that a corresponding application of judicial proceedings has been made

from the Province of New Brunswick upon all the settlements above and below the French occupation of Madawaska, tending to their extermination; and that the inhabitants are awaiting, in a state of fearful anxiety, the final execution, from which they see no prospect of relief."

These proceedings were justified and adopted, if not previously authorized, by Sir Howard Douglass, Lieut.-Governor of New Brunswick, and by Mr. Vaughan, the British Minister at Washington, as appears by a letter from the latter to Mr. Clay, November 21, 1827.

The results of these doings were summed up by Mr. Daveis as follows:

"Citizens of Maine, and others settled on lands surveyed and granted by its authority, living within its ancient and long-established limits, are subjected to the operation of foreign laws. These are applied to them in the ordinary course of civil process, in taking away their property, and also their persons. American citizens in this State are proceeded against as aliens, for sedition and other offences, and misdemeanors against the Crown of Great Britain; and one of them, a grantee of Massachusetts and Maine, seized on the land granted, remains in prison on charges of that description."

When these facts became known to the people and the Legislature of the State, there was a deep feeling of indignation at the wrong and outrage; and the only wonder to-day is, that it could have been restrained to peaceable expressions and protests. To us, the patience with which these encroachments and insults were borne is simply incredible.

When the Legislature assembled in January, 1828, Governor Lincoln had received the documents and papers, which he had been unable to obtain before. He announced to that body the fact that an arbitration had been entered into between the two

governments, and he called its attention to the claim of temporary jurisdiction by New Brunswick, to the arrest and imprisonment of Baker, and the report of Mr. Daveis. He declared: "Maine cannot abandon its obligations, its title deeds and its rights. It cannot allow its citizens to be incarcerated in foreign gaols. The State would shrink most dreadfully under the shame of such a submission." In this arbitration, the King of the Netherlands was made the umpire.

The Legislature took up the subject in a manner that showed that, while not unmindful of its relations and duties to the federal government, nor willing unnecessarily to embarrass it, it had a painful sense of the wrong and injury the State had received. Hon. John G. Deane, on behalf of a joint Select Committee, made a report so full, so accurate, so absolutely conclusive of every question, as to leave nothing more to be said for the vindication of our claims and of our interpretation of the treaty of 1783. A Resolve was passed, demanding defence and protection from the United States; and, in case of new aggressions, authorizing the Governor, if seasonable protection is not afforded by the general government, to use all proper and constitutional means to protect and defend our citizens; and calling for a demand upon the British government for the release of John Baker; also, providing for the relief of his family.

Governor Lincoln, in his last annual message, which he addressed to the Legislature in January, 1829, a few months before his lamented death, refers to the vigorous action of the preceding Legislature, from which he thinks some practical results may have come, and he mentions, among these, its good effect upon the nation. The President, he says, has yielded every possible support; a garrison has been established upon our frontier, an agent from among ourselves has been appointed, a military road has been provided for, and Baker's case has been

assumed by the United States; and, besides this, the character of the King of the Netherlands is such as to give ground of hope that the decision will be a just one.

The Legislature passed an act "to prevent foreigners from exercising acts of jurisdiction within this State, by serving civil or criminal process."

In 1830, Jonathan G. Hunton was Governor, but nothing of special interest relating to this question seems to have taken place during his administration.

In 1831, Governor Samuel E. Smith refers to the delay that has arisen in reaching a decision by the umpire, and suggests that it may have occurred from the disturbances that had taken place in his own kingdom, and which, by depriving him of the greatest portion of his kingdom, had made him a dependent on Great Britain. He doubted whether under these circumstances he ought to act, or could properly act, as umpire. He says: "Whatever confidence may be put in the justice of our cause, however clearly our right may be shewn in argument, we certainly could not be willing to submit it to the umpirage of a sovereign who is not only the ally, but who, by the force of circumstances, may have become, in some measure, the dependent ally of Great Britain."

That England, after this event, should have insisted upon proceeding with the arbitration, was scarcely less than an indecency and an affront, and one wonders at the good nature and blindness to injury which still continued to mark the temper and conduct of the United States.

The question submitted to the King of the Netherlands remained to be decided by the King of Holland.

But the Governor takes encouragement after this protest, from the appointment of a Minister, by whom the case was to

be presented to the umpire, from among our own citizens, of one so able and well-informed as the Hon. William Pitt Preble.

Albert Gallatin, an experienced diplomatist, and a man of historic reputation, and Judge Preble, of Portland, had been designated during the administration of Mr. Adams, to manage the case before the umpire; and when the appointment of Judge Preble as *Minister* was made by President Jackson, the valuable assistance of Mr. Daveis was secured to him by the government.

Governor Smith took leave of this subject in his message for 1831, by saying that he was not aware that anything at present remained to be done by the Legislature that could facilitate the inquiry, or affect the result.

On the tenth of January, 1831, the King of Holland made his report—award it could not be called. He found himself unable or unwilling to decide where the line ought to be run, but said :

“We are of opinion that it will be suitable (*il conviendra*) to adopt as the boundary of the two States, a line drawn due north from the source of the river St. Croix, to a point where it intersects the middle of the thalweg (*i. e.* deepest channel) of the river St. John, ascending it to the point where the river St. Francis empties itself into the river St. John, thence the middle of the thalweg of the river St. Francis to the source of its uppermost branch, which source we indicate on the map A by the X, authenticated by the signature of our minister of Foreign Affairs, thence a line drawn due west to a point where it unites with a line claimed by the United States of America, and delineated on the map A, thence said line to the point at which, according to said maps, it coincides with that claimed by Great Britain, thence the line traced in the map by the two powers to the north-westernmost source of the Connecticut River.”

The King further expresses the opinion that it would be suitable that the line from the Connecticut River to the St. Lawrence should be so drawn as to include in the United States, the fort at Rouse's Point, and its kilometrical radius.

It is abundantly certain from the whole report and proceedings that the King could not adopt the British claim, and did not wish to accept that of the United States, and so, to avoid a decision, contented himself by making a recommendation. A higher indirect concession to the American claim it would be difficult to imagine.

On the twelfth of January, our Minister, Judge Preble, made a protest against the proceeding, "as constituting a departure from the power delegated by the high parties interested."

Unofficial intelligence of the report of the King of Holland was received in Maine during the session of the Legislature, and occasioned much uneasiness. A joint-select committee made a vigorous report, in which were no sounds of uncertainty or fear, through Col. Deane. It said :

"If the Government of the United States can cede a portion of an independent State to a foreign government, she can, by the same principle, cede the whole ; or if to a foreign government, she can, by the same principle, annex one State to another until the whole are consolidated, and she becomes the sole Sovereign and lawgiver, without any check to her exercise of power."

It is not to be answered that the treaty-making power has, from the necessity of the case, ample authority to decide disputes between the nation and other nations, whether they refer to boundaries or anything else. This nation has no right under the treaty-making power to *cede* the territory of any State—the title to which in the State, it affirms. In this case, the United States, by Congress as well as by the Executive Department, as had also the Legislatures of Maine and Massachusetts and of

most the other States, declared repeatedly and in the most emphatic and unequivocal terms, that the right of Maine was "clear and unquestionable." Her title was as clear to Madawaska as to Portland, and a cession or sale of the latter would be quite as objectionable and unconstitutional as a transfer of the former.

This committee reported Resolves, which were passed, declaring "That the convention of 1827 tended to violate the Constitution of the United States, and to impair the sovereign rights and powers of the State of Maine, and that Maine is not bound by the Constitution to submit to the decision which has been, or shall be, made under that convention." Also, that whereas the submission was to the King of the Netherlands, an independent Sovereign, exercising dominion over six millions of people, and whereas, by the force of liberal opinions in Belgium, he was deprived of more than half of his dominions, and his dependence on Great Britain for holding his power, even in Holland, was increased, and, inasmuch as he had made no decision before his kingdom was dismembered by his own consent, and his public character changed, it was resolved that the award "cannot and ought not to be considered obligatory upon the government of the United States, either on the principles of right and justice, or of honor." And further, "that no decision made by an umpire under any circumstances, if the decision dismembers a State, has or can have any constitutional force or obligation upon the State thus dismembered, unless the State adopt and sanction the decision."

On the eighteenth of March, Mr. Van Buren, Secretary of State, communicated the report of the King of Holland to the Governor of Maine, with a request, in substance, that pending its consideration at Washington, Maine should keep quiet and behave herself.

Governor Smith transmitted the papers to the Legislature on

the twenty-fifth of March, with a message which endorsed and commended the advice of Mr. Van Buren as to good behavior on the part of the people of Maine and their representatives. But the Legislature was scarcely in a temper to appreciate this advice in the sense in which it was given. It had yet some sense of honor, duty and self respect; and on the thirtieth of March it made its answer to the President, in which it plainly told him that "there are rights which a free people cannot yield, and there are encroachments upon such rights which ought to be resisted and prevented, or the people have no assurance of the continuance of their liberties." The report took up the opinion of the King, and the question of his right to act after he had ceased to be Sovereign of the Netherlands, and by facts incontestible and by invincible logic, showed that the opinion was in no sense binding either upon the United States or the State of Maine, and declared that "if the United States should adopt the document as a decision, it will be in violation of the constitutional rights of the State of Maine, which she cannot yield."

A copy of this report of the Legislature was ordered to be sent to the President of the United States and to the Governors of the several States.

Governor Smith, it will be remembered, had, in his annual message a few weeks before, referred to the change which had taken place in the relations of the umpire since the submission was made, and expressed the unwillingness the State would feel to submit the question to the decision of a sovereign who was the ally, and might become the dependent ally, of the contesting party. The legislative report had but echoed this opinion. Acting in its spirit, and in view of the whole situation, and in full harmony, as was supposed, with the views of the Governor (for as yet he had not heard from Mr. Van Buren),

the Legislature, on the fifteenth of March, 1831, passed an Act, which received the approval of the Governor, to incorporate the town of Madawaska, by which the inhabitants thereof were declared to be "subject to the same duties and liabilities, and vested with the privileges and immunities which other incorporated towns are within this State." Any Justice of Peace within the County of Penobscot, or any Justice throughout the State, was empowered to issue his warrant to any inhabitant of the place, directing him to notify a meeting for the choice of officers. In conformity to this Act, a warrant was issued by William D. Williamson, Esquire, a Justice of the Peace throughout the State, directed to Walter Powers, an inhabitant of Madawaska, to notify the inhabitants of that town to meet at the house of Peter Lezart to organize the town and elect town officers. The meeting was duly called and held in August, but its proceedings were interrupted and delayed by interference and threats on the part of Leonard B. Coombs, a Captain of Militia, and Francis Rice, a Justice of the Peace, holding commissions from the Province of New Brunswick. But the inhabitants present, about fifty in number, persevered in their work and elected town officers. Another town meeting, at which eighty inhabitants were present, was held on the second Monday of September, 1831, being the day of the State election, at the house of Raphael Martin, when Peter Lezart was elected a representative to the State Legislature. Rice was present at this meeting, also, interrupting it, and using language of menace and abuse. He took the names of the persons voting at the meeting. On the twenty-fifth of the month, a military force was collected at the chapel in Madawaska, by Provincial authority, and repaired to the house of one Simon Herbert, further up the river, where they were attended by the Lieutenant-Governor of New Brunswick. This force succeeded in arresting Daniel Savage, Jesse

Wheelock, Barnabas Hunnewell, Daniel Bean and several others, and held them prisoners for the offence of acting at the town meeting. John Baker escaped to the woods, and finally came to Portland, where, on the twelfth of October, he gave to the Governor a detailed statement of the facts, to which he made oath before Francis O. J. Smith, Esquire, Justice of the Peace. Wheelock and Savage, who were arrested as above stated, addressed a letter to Roscoe G. Greene, Secretary of State, in which they informed him of the circumstances of their arrest. They said :

“ His Excellency, Sir Archibald Campbell, Lieutenant-Governor and Commander-in-Chief of the Province of New Brunswick, arrived here on the twenty-third instant, with one Colonel, one Captain of the Militia, the Attorney-General of the Province and Mr. McLaughlan ; also, by the Sheriff of the County of York. On the twenty-fourth they directed warrants to be issued against all those who had acted at said meetings. * * We were arrested on the twenty-fifth. * * On the twenty-sixth the Sheriff and Captain Coombs and some militia ascended the river to Mr. Baker’s to arrest those in that neighborhood ; thence to St. Francis River, expecting to return to-day, when we are to be immediately sent to Fredericton gaol. When the rest of our unfortunate countrymen arrive we will enlist their names and numbers, together with what other information shall come to our knowledge. The families of them will be left in a deplorable situation unless their country will immediately release them. * * We are now descending the river, twenty miles above Woodstock.”

Of these persons, Savage, Wheelock and Hunnewell were arraigned before the Supreme Court of New Brunswick, and sentenced to pay a fine of fifty pounds and be imprisoned three months, and were accordingly thrown into prison at Fredericton.

Down to the period covered by these proceedings, with the

single exception, if such it may be regarded, of the Governor's message in March, I find no blot on the history of this State, nothing to be ashamed of, nothing to hide the head for, but a constant exhibition of elevated and dignified patriotism—a proper regard for the integrity and honor of the Commonwealth.

But after this, succeeds a term which we might well desire to have expunged from our annals.

The Senate of the United States had rejected the recommendation of the King of Holland, and new negotiations were in contemplation at Washington, when the intelligence was received there from the Governor of Maine of the proceedings at Madawaska, and the arrest of Wheelock and others. The administration was greatly disturbed, and communicated its displeasure to Governor Smith. He, on the twelfth of October, replied that:

“An Act was passed by the Legislature of this State at the last session to incorporate the town of Madawaska, which is bounded, in part, by the line of the State. By this Act and some others, I understood it was intended by the Legislature to assert the claim of the State to jurisdiction over that portion of the territory which they knew to be within the limits of Maine; and that it was not to be carried into effect until circumstances should render it proper and expedient. This measure is said to have been adopted by the inhabitants of that territory, voluntarily organizing themselves into a corporation; was unexpected by me, and done without my knowledge.”

What a spectacle is here! The Secretary of State of the United States had written the Governor of Maine a sharp letter, reproving the State, in effect, for its independent and proper action. And the Chief Magistrate, who but a few months before had been so earnest, who had approved an act to incor-

porate the town, when the people thereof, in good faith, supposing the act of the Legislature meant what it said—as indeed it did, as everybody conversant with its history well knew—went to work, and in conformity to its provisions organized the town—instead of planting himself firmly upon the act of the Legislature and the doings of his people, starts back, like Fear in Collins' Ode,

“E'en at the sound himself had made.”

To this excuse and protestation, Secretary Livingston made reply in a letter of such tone and language as no Governor of a State should permit to be addressed to him, without indignant remonstrance, to say the least. He told him that the President could not “consider the *continuance of the occupation*” (of Maine) “*by the officers, civil and military, of the British Province as an invasion* ; but will take all proper measures to procure the release of the *ill-advised persons* who have been the cause of this disturbance.”

ILL-ADVISED PERSONS ! Who gave them the ill advice ? The Legislature of Maine and the Governor of Maine ! These and no others, and in the most unequivocal and solemn manner. Of the important facts the Secretary had learned enough to render his language as direct and pointed a rebuke to the Legislature and Executive authorities of the State, as it was possible to make. How, may it be imagined, would Enoch Lincoln have received words like these—words that should

“Kindle cowards, and steel with valor
The melting spirits of women” ?

But whatever the amount of reproof and insolence the Secretary of State was pleased to visit upon the Governor of Maine, he made ample amends for it in his disgraceful obsequiousness

to the British minister. To show the humiliation with which the government was pleased to clothe itself, and, with the consent of her Executive, the State of Maine, it is only necessary to quote from a letter of Mr. Livingston to Mr. Bankhead, the British Minister, on the fifteenth of October, 1831. Transmitting extracts from Governor Smith's letter, before referred to, he says :

“ You will perceive that the election of town officers in the settlement of Madawaska, of which complaint was made in the papers enclosed in your letter, was made under color of a *general* law, which was not intended, by either the executive or legislative authority, to be executed in that settlement, and that the whole was the work of *inconsiderate individuals*.”

One can hardly conceive a statement more crowded with errors of fact than this. In the first place, as we have seen, there was a gross error in the assertion that the incorporation of the town of Madawaska was under a general law, and not by a special act; and that the action of the inhabitants was not contemplated by the State, was an error equally manifest.

If the Legislature of Maine, with the approval of the Governor, set itself to the work of passing a special act of incorporation, was it in accordance with a proper respect for the honor of the State, to assert that it was not intended that the power should be exercised; that it was simply a paper defiance from a safe distance—a mere *brutum fulmen*? That while Judge Williamson, the historian of Maine, was issuing his warrant to Mr. Powers for the organization of the town, and the purpose was being executed in the knowledge of the whole State, and all the public journals were seriously discussing it, the State itself was, after all, only playing the lion's part, after the manner of Nick Bottom, the weaver?

Instead of demanding, in a firm and becoming tone, the immediate release of the citizens of Maine, who had been imprisoned in a foreign gaol for the offence of acting in obedience to the laws of their State, the Secretary says to Mr. Bankhead: "*I respectfully suggest the propriety of your commending to the Lieutenant-Governor of New Brunswick the release of the prisoners.*"

Having, by these apologies and humble petitions from the American Secretary, obtained what he assumed to regard as a practical recognition of the provincial claim of exclusive jurisdiction, the British government graciously consented to the release. This is not pleasant reading. It makes one neither happy nor proud. The State made no protest—uttered no word of grave remonstrance.

Upon the assembling of the Legislature of 1832, the Governor recited at some length, in his message, the transactions of the preceding autumn, and informed that body that, through the intervention of the President, Wheelock and the other prisoners had been released.

On the twenty-second of February, the Governor made a communication to the Legislature, in secret session, in which he said he had been informed by Judge Preble, the agent of the State at Washington, that the award of the King would eventually be adopted by our government; that Maine would receive pecuniary indemnity if she would cede her territory lying outside of the line of the award. He urged promptness of action on the part of the Legislature.

The President was anxious that some arrangement should be made by which Maine would consent to abide by the line of the King; and the Congressional delegation from the State, with the exception of Mr. Evans (who opposed the proposition in a letter marked by the incisiveness and vigor which charac-

terized alike the forensic and political efforts of this very great man), wrote Judge Preble in favor of submitting the plan to the Legislature.

The question was discussed by the Legislature, with closed doors, and finally a resolution was passed authorizing the Governor to appoint three Commissioners to see what terms and conditions could be arranged, and report to the Legislature for its action. The commission was constituted by the appointment of three eminent and able gentlemen—William Pitt Preble, Reuel Williams and Nicholas Emery. The President appointed on the part of the United States, as Commissioners to confer with those from Maine, the Secretary of State, Edward Livingston; the Secretary of the Treasury, Louis McLane; the Secretary of the Navy, Levi Woodbury. When our Commissioners reached Washington, they found there a public opinion that demanded urgently and almost imperatively, a settlement of the vexed and long-disturbing question. The commerce and business of the country,—all its industrial, commercial and financial interests, in fact,—called for a removal of the causes of apprehension that the peace of the country might be ruptured; and New York, as Governor Parris had predicted years before she would make known, wanted Rouse's Point. The whole power of the administration, a nearly united South, and the commercial interests of the North, were brought to bear upon the Commissioners. They were warned that, if they did not consent to the new line, the question would be submitted to another arbitration. Thus pressed, they finally consented to submit certain propositions to the Legislature of the State. Perhaps they could have done no less under all the circumstances. It was not for them they considered, as I imagine, to debar the State of an opportunity for considering, through its Legislature, the propositions which the Commissioners of the

United States were prepared to make. These were in substance a new line, which, if not entirely coincident with, was yet on the basis of the King of Holland's recommendation, and one million of acres of land in Michigan, which, at the minimum government price, was worth \$1,250,000, and probably much more than this sum in fact. If a conventional line, not involving an exchange of territory, were admissible at all, these terms should not probably be regarded as unreasonable in amount, however humiliating in respect to the source from which they proceeded.

But Maine had never ceased to feel an invincible repugnance to the idea of selling her territory for cash, or cash equivalents, still less of abandoning her citizens, exchanging them as well as her soil for counters. And so when it was known, in the winter of 1832, that the Legislature had resolved itself into secret session to consider propositions for a settlement of the question by a conventional line, the fears of the people were aroused and an intense excitement was created. Reports, more or less correct, of the doings in secret session were circulated among the people and appeared in the newspapers. Startling headings arrested the eyes of the people. "MAINE SOLD OUT!" "MAINE IN THE MARKET!" "OUR FELLOW CITIZENS TRANSFERRED TO A FOREIGN POWER FOR CASH OR LAND!!"

An anonymous letter, evidently written by a member or officer of the Legislature, indicating the passage of a Resolve (such as was in fact passed on the third of March), was printed in the *Kennebec Journal*, which, in connection with the events growing out of its publication, inflamed still more the public feeling. The name of the author was demanded of the editor, Hon. Luther Severance, who, upon his refusal to divulge it, was committed to the Augusta gaol for contempt, from which, however, he was soon released.

In this excited condition of the popular mind, the Legislature adjourned, and its members returned to their homes to meet there alarmed and indignant constituencies. A speech from Jacob Ludden, a Democratic representative from Canton, in Oxford County, delivered in secret session, and published in the *Portland Advertiser* of the twenty-seventh of February, had touched the popular chord, and was quoted everywhere. AN HONEST MAN, was the heading of the speech. Said Mr. Ludden :

“ Our agent at Washington says we can make a better bargain if we take land than if we trade for cash ! What, sir ! bargain our American territory and American citizens for land or cash ? Sell our citizens without their consent ! Sell them to the British, and to become subjects of a British King ! Sir, history informs us of only one solitary instance in this republic where a bargain of this kind was ever attempted ; and that was at West Point, in the secret session held by Benedict Arnold and Major André. Our title to the territory is indisputable. It was purchased for us. The price was blood—the blood of our fathers. And shall we, sir, like Esau, sell our birthright for a mess of pottage ? No sir ! heaven protect us from such disgrace. * * Sir, whoever this day votes for this disgraceful bargain will, I trust, live to see the time when the finger of scorn shall be pointed at him, and shall hear the contemptuous expression, ‘ You are one of the number who voted to sell a part of your country ! ’ Yes, sir, we sell not only a part of our country, but our fellow citizens with it ; and among these citizens a member of this House, legally chosen by order of the constituted authorities of this State, and who has as good a right to his seat as any member on this floor. Sir, I enter my solemn protest against these whole proceedings.”

Public meetings were held in many of the towns—especially in the country towns—of the State, indignantly and solemnly protesting against and denouncing “ these whole proceedings,”

calling upon the State authorities, upon our members of Congress and the federal government to arrest them, and to take prompt and vigorous measures to vindicate the honor of the State and nation, and to preserve their territory in its integrity.

At a Fourth of July celebration, in Augusta, the sentiment, "*Our brethren of Madawaska—a little too white to be sold!*" was drunk with tremendous applause, was published in the newspapers of the State, and of other States, was echoed in highway and byway, and repeated in the homes of the people.

The result was, that the project fell through; failed utterly, not to say ignominiously. In the Legislature of the next year a Resolve was passed—on the fourth of March, 1833—which repealed so much of the Resolve of the previous year under which Commissioners had been appointed to arrange provisional terms of adjustment, as provided for the submission of their report to the Legislature, and passed another Resolve to the effect "that no arrangement, provisional arrangement or treaty already made, or that may hereafter be made, or in pursuance of the Resolve to which this is additional, shall have any binding force, effect or operation until the same shall have been submitted to the people of this State in their primary assemblies, and approved by a majority of their votes." And yet, within ten short years, and without submission to a vote of the people, this territory, "invaluable," as Governor Lincoln had declared it, these fellow citizens of ours—"a little too white to be sold" in 1832—John Baker, holding title deeds from the two States, wife and children—"all my pretty chickens and their dam"—Wheelock, Bacon and their families, Peter Lezart, too, the representative, and hundreds more, were transferred and conveyed to a foreign Crown!

Nothing more of importance happened within the State in

1833, but at Washington, as will be seen, propositions of grave and dangerous import were being considered.

When the Legislature of 1834 assembled, it was addressed by Governor Dunlap, in a message which reminded that body of the mistakes which had been made, and expressed a hope that, since we had escaped the dangers impending therefrom, there was "a way now open for the ultimate attainment of our rights."

How blind and devious was the way in which the State department at Washington was disposed to walk, Governor Dunlap did not then know. Subsequent to the rejection, in 1832, of the advice of the King of Holland, the Senate passed a resolution advising the President to open a new negotiation "according to the Treaty of Peace of 1783." Mr. Livingston was Secretary of State, and he renewed the negotiation in a manner which only an ascription of the grossest ignorance or stupidity on his part could rescue from the imputation of infidelity to the cause whose defence had been placed in his hands. He began by a half admission that the treaty could not be executed. He violated the express instructions under which he was acting, by suggesting to the British Minister that Maine would probably give her consent to a conventional line. On the thirtieth of April, 1833, he wrote a letter to Mr. Vaughan, the British Minister, in which he intimated that a line might be drawn from the monument to the highlands, though these highlands should not be found due north from the monument, and when the British Minister objected, that such a line might reach highlands *east* of the meridian of the St. Croix, Mr. Livingston hastens to reply (the twenty-eighth of May), that "the American government can make no pretensions to go further east than that (a due north) line; but if, on a more accurate survey, it should be found that the line mentioned in the treaty should pass each of the highlands therein described, and that they should be found

at some point further *west*, then the principles to which I refer would apply, to wit: that the direction of the line to connect the two natural boundaries must be altered, so as to suit their ascertained position." Well might a committee of the Legislature of Massachusetts say, "It is with extreme mortification that we contemplate this subject. We see, or think we see, that not only the honor of the nation, but the sovereignty of Maine and the interest of Massachusetts* have been totally disregarded."

During the years 1835, 1836 and 1837, matters remained very much in *statu quo*, except that during all this time the government and people of New Brunswick were gradually pushing their claims to the occupation and jurisdiction of the territory in dispute. The *London Chronicle* of the twenty-eighth of May, 1831, had said: "The disputed territory is now in our possession, and as we believe right is on our side, we would recommend the government not to part with it. Besides, *possession is nine points of the law*." This advice had not been unheeded by the British authorities on either side of the Atlantic. The object seemed to be to gain time and put off negotiations until the British claims should be strengthened by length of possession and renewed and multiplied acts of jurisdiction and sovereignty. For, notwithstanding the covenants of neutrality between the powers, they were constantly violated, and with impunity, by the authorities and people of New Brunswick.

So far had these encroachments extended before the close of the administration of Governor Dunlap, that, in his annual message for 1837, he felt constrained to address the Legislature in these strong and earnest terms:

* It will be remembered that, at this time, Massachusetts was joint owner with Maine of the *soil* of the undivided wild lands of the latter State.

“It must be conceded that our people and their State government have exercised a most liberal forbearance upon the subject, considering the series of years it has been agitated, and the successive incidental circumstances calculated to excite and aggravate popular feeling. Our soil and our sovereignty have been invaded. Over a portion of domain of incalculable value, owned jointly by this and our parent Commonwealth, an attempt has been made to establish an adverse claim. The jurisdiction of the State has been rendered inoperative, either for the protection of our soil or of our injured inhabitants. Under color of authority from a foreign government, our unoffending citizens, in time of peace, have been forced from their rightful homes, and dragged beyond the limits of the State. Trials for imaginary crimes have been instituted against them, and, upon our brethren, guilty of no offence, and charged with no wrong, the indignities of a foreign gaol have been imposed. Our political system has lodged, in the first instance, the power and the duty of protection with the federal government. To that government we have appealed, but relief has not come. Our lands are sequestered, our sovereignty is insulted and our injured citizens are unredressed. In this state of things, is it not due to our own self-respect as well as to the cause of justice, that the State of Maine should insist on being immediately placed by the government of the United States into the possession of the invaluable rights from which she has been so long excluded?”

It is not easy to see how the case could have been presented more cogently and eloquently than it was in these noble words of Governor Dunlap. An earnest and able report was made to the Legislature by the joint committee, to which the question had been referred; and the following Resolves were passed by the Legislature:

“Resolved, That we view with much solicitude the British usurpations and encroachments on the north-easterly part of the territory of this State.

“Resolved, That pretensions so groundless and extravagant indicate a spirit of hostility which we had no reason to expect from a nation with whom we are at peace.

“Resolved, That vigilance, resolution, firmness and union on the part of this State are necessary in this state of the controversy.

“Resolved, That the Governor be authorized and requested to call on the President of the United States to cause the north-eastern boundary of this State to be explored and surveyed and monuments erected, according to the treaty of 1783.

“Resolved, That the co-operation of Massachusetts be requested.

“Resolved, That our Senators be instructed and our Representatives be requested to endeavor to obtain a speedy adjustment of the controversy.”

Copies of the Report and Resolves were ordered to be sent to the President, the Governor of Massachusetts, to our Senators and Representatives in Congress, and to the Governors and Senators of all the other States.

Here was notice, at last, that could not be mistaken, that the patience of the State was exhausted, and that the policy which had prevailed for several years, could not be continued without endangering the harmony of the relations heretofore subsisting between the State and the nation.

The successor of Governor Dunlap was Edward Kent, and he came to the office of Governor in 1838, charged with the spirit which had been manifested by Governor Dunlap and the Legislature of 1837.

In his annual message, he went over the essential points of the controversy, as it then stood, with great clearness and force. He said :

“It has required, and still requires, all the talents of her” (England’s) “statesmen and skill of her diplomatists, to render that obscure and indefinite which is clear and unambiguous. I

cannot for a moment doubt that if the same question should arise in private life, in relation to the boundaries of adjacent farms, with the same evidence and the same arguments, it would be decided in any court, in any civilized country, without hesitation or doubt, according to our claims."

But Great Britain desired, and was determined to have, direct communication between her lower and upper Provinces, and believed it to be obtainable only by way of the Madawaska River and Temiscouata Lake. She sought it for a long time as a favor, that is, as a grant without an equivalent. She had come to demand it, and with it about one-third of our territory, as her right.

Previous to Governor Kent's term, in the year 1837, Ebenezer S. Greeley, of Dover, had been appointed by the State authorities to take the census of Madawaska, that the people living there might receive their portion of the "surplus revenue," as it was called, which, by an act of the Legislature, was to be divided, *per capita*, among the people of the State. He was arrested by the Provincial authorities while in the performance of this duty. Referring to the case, the Governor said :

"A citizen of our State, Ebenezer S. Greeley, now lies imprisoned at Fredericton, seized, as it is said, for exercising power delegated to him under a law of this State. The facts connected with this arrest are unknown to me, and I therefore forbear to comment at this time upon them. But if the facts are that he was so seized, for such a lawful act, the dignity and sovereignty of the State demand his immediate release."

Here, it will be observed, no humble request, such as was addressed to Mr. Bankhead, is contemplated, but a peremptory demand. The Governor continues :

"I am aware that we are met by the assertion that the parties have agreed to permit the actual jurisdiction to remain, pending

the negotiation as it existed before. I have yet seen no evidence that such an agreement was formally entered into by the parties. But certainly Maine was no party to such an understanding; and at all events, it never could have been intended to be perpetually binding, or to extend beyond the termination of the then pending negotiation. That negotiation is ended. The old ground of claim at Mars Hill is abandoned; a new allegation is made—that the treaty cannot be executed and must be set aside. In the meantime this wardenship”—New Brunswick, it should be said, had appointed one McLaughlan Warden of all this territory—“is established, and all claim to absolute jurisdiction, not merely at Madawaska, but over the whole territory north, is asserted and enforced. If this jurisdiction is to be tolerated and acquiesced in indefinitely, we can easily see why negotiation lags, and two years elapse between a proposition and the reply.”

Referring to the latest phase of the British contention, of which Governor Kent makes mention, viz: “that the treaty cannot be executed,” it is curious to note the changes that had taken place in the pretensions of Great Britain since the treaty was made. At first, and until the Treaty of Ghent, the conceded line was north of the river St. John, and upon the St. Lawrence water-shed. Subsequently to 1817, for some ten years, it was at Mars Hill. After this, it was discovered that there had been a mistake made in determining the source of the river St. Croix; it was, in fact, at the head of the western branch, and so the highlands contemplated in the treaty of peace were those which divided the waters of the Penobscot and the Kennebec, on one side, from those of the St. John on the other. But these claims were so palpably absurd and contradictory, and were so thoroughly exploded by the Legislatures of Maine and Massachusetts, by their Governors and statesmen, that England was fain to abandon them, one after another, and rely upon the assumption that the treaty could not be executed, by

reason of the uncertain and contradictory character of its language.

To return to the message of Governor Kent. He urged that the first duty of the State was to claim the immediate and efficient action of the general government; said that her rights must be vindicated and maintained, "and, if all appeals for aid and protection are in vain and her constitutional rights are disregarded, forbearance may cease to be a virtue, and, in the language of the lamented Lincoln, Maine 'may be compelled to deliberate on an alternative which will test the strictness of her principles and the firmness of her temper.'"

"I confess," said the Governor, in bringing his observations on this subject to a close, "that my convictions are strong that Maine has been wronged by a foreign government and neglected by her own; and I do not understand the diplomatic art of softening the expression of unpalatable truths."

The earnest language of Governors Dunlap and Kent, and the Resolves of the Legislature, had the effect to awaken the general government to a more vigorous effort than it had put forth for a long time, towards effecting an adjustment of the question. John Forsyth, of Georgia, had become Secretary of State, and on the first of March, 1838, he addressed a long communication to Governor Kent, enclosing copies of a protracted correspondence between him and Mr. Fox, the British Minister, on the subject of the boundary, and requesting the Governor to take the sense of the State as to the opening of direct negotiation for a conventional line. He conceded that such a line could not be established without the assent of the State of Maine. This communication, with the accompanying correspondence, was by the Governor transmitted to the Legislature, with a message, in which he reviewed, to some extent, the history of previous negotiations, and stated the objections

which, to his mind, bore against any volunteering of propositions for a conventional line. He said: "I fear that if we abandon the treaty language, so clear and so decided in our favor, and so much at variance with their claim, we shall leave a certainty for an uncertainty, and throw doubt, confusion and embarrassment over our claim and our course of action, and yield to Great Britain the great obstacle we now present to her grasping spirit—the solemn treaty of 1783."

The Legislature, concurring in opinion with Governor Kent, on the twenty-fourth of March, 1838,

"Resolved, That it is not expedient to give the assent of the State to the federal government, to treat with that of Great Britain for a conventional line, but that this State will insist on the line established by the treaty of 1783."

It also resolved, that, believing it to be a grave question whether the treaty of Ghent, referring to arbitration, had not done its office, and was therefore no longer in force, the State was not prepared to give her consent to a new arbiter. Our members of Congress were requested to urge the passage of the bill before that body, providing for the survey of the north-eastern boundary of the United States.

In the event that the bill should not be passed, and the federal government should fail, either in conjunction with that of Great Britain, or alone, to make the survey before the next September, it was declared to be "the imperative duty of the Governor, without further delay, to appoint suitable Commissioners and a surveyor for ascertaining, running and locating the north-eastern boundary line of this State, and to cause the same to be carried into operation."

Resolves were passed at this session, calling upon Congress to erect a strong fortification in the eastern section of the State.

It will be remembered that, pending the proceedings under the convention of 1827 for an arbitration, there was an understanding or arrangement, that during the arbitration each party was to practice forbearance and moderation. The United States agreed only to exercise its good offices, inculcating a spirit of moderation in Maine, in the assurance that it would be reciprocated. For this we have the explicit testimony of Mr. Clay, Mr. Van Buren and other Secretaries. Mr. Forsyth, in a letter to Mr. Fox, denies that there was ever any relinquishment of jurisdiction, either express or implied, and affirms that "the United States has, on every public occasion, asserted that both the right to exclusive possession and the exercise thereof belonged to Maine and the United States."

But this understanding in regard to mutual forbearance, so far from being respected by the Provincial and British authorities, was only made the pretext and excuse for steadily renewing and increasing the claims of New Brunswick to ownership and jurisdiction, and of denying all right of occupation and jurisdiction on the part of the State of Maine; so that, within ten years from this arrangement, we find Sir John Harvey, Lieutenant-Governor of New Brunswick, claiming to have, under an agreement of the two governments, the right to *exclusive* possession of the territory until the time of a final decision in regard to the boundary; and that, to secure the political enjoyment of such right, he had placed the entire territory, to a point many miles south of the Aroostook River, under the supervision and control of an officer called a "Warden." This insolent and audacious claim was made known to the State and federal authorities only to be denied and refuted, and it put the former on the inquiry whether the State, by non-action in presence of such claim, should yield to it a practical acquiescence. The result was the appointment of a Surveyor, Dr. S. S. Whipple, of East-

port, to survey several townships of land on or near the Aroostook River. While Dr. Whipple was engaged in the performance of this service, he received a communication from James McLaughlan, "Warden of the Disputed Territory," as he called himself, "protesting and warning" him forthwith to desist from his proceedings. To which Dr. Whipple made answer—that acknowledging no government or power but that of the State under which he had the honor of acting, sufficient to control his duty or countermand the orders which governed his present movements, he should continue to carry out the instructions that had been given him.

In the meantime, Governor Kent had transmitted the report and resolutions of the Legislature asking that the boundary line should be run, to the President and to our Members of Congress. He made representation of our unprotected frontier, and requested that lines of defence and military posts should be established; and he invited Hon. Charles S. Daves, of Portland, to visit Washington in behalf of the State, to explain and urge these requests.

Mr. Forsyth, the Secretary of State, seemed more deeply impressed than his immediate predecessor had been with the strength of the claims of Maine. He received these communications of the Governor in an appreciative spirit, and his agent with the consideration due to his personal character, and with the courtesy which distinguished the character and bearing of the accomplished Secretary.

Among the results of these prompt and vigorous measures on the part of the Governor of Maine, were (1) a letter from Major General Macomb, advising him that Brigadier General John E. Wool, Inspector General, would be instructed to repair to the State of Maine, and make a reconnoissance with a view of ascertaining its military features and resources, project a plan for its

defence by the establishment of military posts and communications, arsenals, depots of arms, munitions, &c.,—duties which were soon afterwards performed. (2.) In the language of Governor Kent, “The question was rescued from the death-like stupor in which it had so long rested; a new impulse was given to the cause. For the first time, the whole subject was made the foundation of a Congressional report, and elicited in investigation and debate the talents and eloquence of some of our ablest statesmen. * * * It was assumed and treated as a national matter which involved the vital interests of one member of the confederacy, and the plighted faith and constitutional obligations of the Union to make the controversy its own.” Referring to the able and decided report of Mr. Buchanan (from which I have already quoted), the Governor says: “The Resolves, finally adopted in both branches without a dissenting vote, fully assert the unquestionable justice of our cause, and the validity of our title.”

Remarking upon the Senate debate, alluded to by Governor Kent, Mr. Daveis, on his return to Maine, said in his report: “Among the Senators most conspicuous in the part they took in support of the views expressed in the report of the committee,” were Mr. Reuel Williams, Mr. Webster, Mr. John Davis and Mr. Clay. Of Mr. Davis, he observes: “Without derogation from the merits of any other honorable member of that body, it may be due to say that he distinguished himself throughout the debate as the inflexible and unflinching champion of the rights of Maine, and of the position she had assumed, and the principles she had maintained through circumstances of great trial to her fortitude and forbearance.”

The general government having neglected to take measures for ascertaining and running the boundary line by the first of September, the Governor, on the third of that month, appointed

John G. Deane, Milford P. Norton and James Irish, Esquires, Commissioners to perform that duty, in pursuance of the provisions of the Resolve of the twenty-third of March, 1838.

These gentlemen, of whom the two last named had been land agents of the State, on the thirteenth of September, and after a conference with the Governor, proceeded to the performance of the service with which they had been charged, and on the thirty-first of December made their report.

In communicating this report to the Legislature of 1839, Governor Kent gives the substantial facts that appear in it. He says:

“Their report, which I have the pleasure to transmit to you, will be read with interest and satisfaction. By that it appears that the exploring line was *found marked to near the north-west angle*; that the base of the country rises constantly and regularly from the monument at the head of the St. Croix to the angle, which is from two to three thousand feet above the level of the sea, and more than five hundred feet above the Kedgwick, one of the streams running into the Bay of Chaleurs, near the said angle and the St. Lawrence waters; that the due north line, if continued to the valley below the north-west angle, actually strikes the St. Lawrence waters, and that the country is high, and even mountainous about this spot; and there is no difficulty in tracing a line westwardly along distinct and well-defined highlands, dividing waters according to the words of the treaty.”

And thus there was brushed away forever the flimsy and worthless pretext which had formed of late years so prominent a feature of the British case, viz: that it was impossible to find a line that conformed to the language of the treaty. Of this fact there never had been any doubt in this State—indeed, the proposition was one which was scarcely susceptible of doubt.

But the energy and fidelity of our State government at this time were not limited by these measures, necessary and important as they were.

It had come to the knowledge of the State Land Agent, the Hon. Elijah L. Hamlin—and let me stop here to say that I cannot mention the name of this admirable gentleman without some allusion to the wisdom, probity and genial humor by which his life was so strongly marked, and which has made his memory so pleasant to all of his surviving contemporaries, who had the good fortune to be his intimate friends,—that trespassing on our timber lands within the territory in dispute had been carried on for several years, and was then being committed by parties from the Province, and sometimes under license from its authorities. Accordingly this officer, in concert with George W. Coffin, Esquire, Land Agent of Massachusetts, on the fourteenth of December, deputed George W. Buckmore, Esquire, to proceed to the territory, ascertain and report the facts, and remove and sell, under the provisions of an act of the Legislature passed in 1831, the teams and supplies of the trespassers. By the report of Mr. Buckmore, made on the twentieth of January, 1839, it appeared that large numbers of men from New Brunswick were trespassing on these lands, who not only refused to desist from cutting timber on them, but defied the powers of the State to stay their operations.

These facts were communicated to the Legislature by Governor Fairfield (who had been elected as successor to Governor Kent) on the twenty-third of January, 1839. With this message, the "Aroostook War," an event not unfamed in history nor unknown to song, may be properly said to have commenced—a war which, notwithstanding the ridicule attached to some of its episodes, and its tame conclusion, forms a chapter in the history of our State which does real honor to its border chivalry.

The people of the State were thoroughly aroused—they had risen to the height of the great argument, and were prepared to do their duty to the State and country.

It should be said that this earnestness and unanimity of feeling in Maine were, without doubt, aided by the position which had been taken by the sister Commonwealth. Not only had Massachusetts come to the rescue in 1831, 1832 and 1833, when the rights of our State were in imminent danger, but in 1838, her Senators and Representatives in Congress had maintained in debate our claims and rights with power and effect; and in her Legislature, a report of a committee, of which Hon. Charles Hudson was chairman, was made, in which the subject was treated with conspicuous fullness and cogency, and resolutions were passed, declaring that the British claim was totally unfounded, and would, if persisted in, lead to a disturbance of friendly relations between the two countries; that the government of the United States had no power, under the Constitution, to cede to a foreign nation any territory lying within the limits of any State; that the proposition made by a late Executive of the United States to the British government, to seek for the "Highlands" *west* of the meridian of the St. Croix, was a departure from the express language of the treaty, an infringement of the rights of Maine and Massachusetts, and in derogation of the Constitution of the United States; that the proposition for a conventional line was calculated to strengthen the claim of Great Britain, impair the honor of the United States, and put in jeopardy the interests of Maine and Massachusetts. The Governor of the Commonwealth was directed to send copies of the report and resolutions to the President of the United States, the Governors of the several States and to the members of Congress from Massachusetts, and request the latter to use all

honorable means to bring the controversy to a just and speedy termination.

Governor Fairfield, in his annual message of 1839, following closely in the footsteps of his predecessor, said :

“If, however, the general government under no circumstances should be disposed to take the lead in measures less pacific than those hitherto pursued, yet I trust we are not remediless. If Maine should take possession of her territory up to the line of the treaty of 1783, resolved to maintain it with all the force she is capable of exerting, any attempt on the part of the British government to wrest that possession from her must bring the general government to her aid and defence, if the solemn obligations of the Constitution of the United States are to be regarded as of any validity.”

On the twenty-fourth of January, the Legislature passed a Resolve directing the Land Agent to employ forthwith, a sufficient force to arrest, detain and imprison all persons found trespassing on the territory of this State, as bounded by the treaty of 1783.

Under the authority of this Resolve, the Land Agent, with two hundred chosen men, repaired to the Aroostook River, where they understood were some three hundred men from the Province, armed and arrayed for the purpose of resistance. On the approach of the Maine “Posse,” as it was called, the Provincial force retired towards the New Brunswick line, followed by the Land Agent, the Hon. Rufus McIntire, and his assistants, G. G. Cushman and Thomas Bartlett, Esquires, who went to the house of one Fitzherbert, where they put up for the night. This place was three or four miles in advance of the encampment of their company. In the night, the trespassers—who had become acquainted with these facts—went, to the number of fifty or more, to Fitzherbert’s, seized the Land Agent and his

assistants, and transported them across the border, and thence to Fredericton. Col. Ebenezer Webster, a prominent citizen of Orono in this State, who was at Woodstock when the prisoners were brought there, attempted to procure their release. But his appeals to the authorities, so far from effecting the discharge of the prisoners, led to his own arrest, and he was sent with the others to Fredericton, where they were all thrown into prison.

When these facts became known at Augusta, Governor Fairfield requested Hon. Jonathan P. Rogers, a distinguished citizen of Bangor and a former Attorney General of the State, to visit Fredericton and ascertain the facts, as understood there, in relation to the abduction of the Land Agent and his party, and to demand their instant release. This mission of Mr. Rogers resulted in the release of these gentlemen on their parole. The Provincial "Warden," McLaughlan, had in the meantime been arrested by the Land Agent's *posse* and sent to Bangor. He was detained for a short time, and then released on parole, by order of Governor Fairfield.

On the thirteenth of February, the Governor of New Brunswick issued a proclamation, in which it was recited that he had ordered a sufficient military force to proceed to the scene of certain alleged outrages, to repel foreign invasion, &c.

This proclamation and the arrest of the Land Agent and his assistants were made the subjects of a spirited message by Governor Fairfield to the Legislature, on the eighteenth of February.

"How long," he inquired, "are we to be thus trampled upon—our rights and claims derided—our powers contemned—and the State degraded? * * We cannot tamely submit to be driven from our territory, while engaged in the civil employment of looking after and protecting our property, without incurring a large measure of ignominy and disgrace."

The Legislature, on the twentieth of February, passed a Resolve providing for the raising and forwarding forthwith of a military force to the territory to prevent further depredations; and the sum of eight hundred thousand dollars was appropriated to carry out the purposes of the Resolve and of the Resolve of the twenty-fourth of January.

A Resolve was passed on the twenty-second of February, requesting the Governor to inform the President of the action of Maine, and to request the aid of the general government in support of the rights of the State. In transmitting these Resolves and other documents to the President of the United States, Governor Fairfield says:

“In this state of things, I have to inform your Excellency that our citizens now upon this territory, engaged in the service of the State, will not leave it without accomplishing their object, unless compelled so to do by a superior force; that one thousand drafted men will march to the Aroostook on Wednesday, the twenty-first instant, to aid and assist the Land Agent in carrying into effect the Resolve of the twenty-fourth of January. I shall forthwith proceed to order a further draft of the militia of at least ten thousand men, who will hold themselves in readiness to march. Such further measures as may be found necessary to take and maintain the rights of this State in the premises, I assure your Excellency I shall not fail to take, and that with as much promptness as circumstances will permit.”

The Governor then makes a formal call upon the President “for that aid and assistance which the whole States have guaranteed to each in such an emergency.”

Orders were issued by the Governor and Commander-in-Chief for calling out and mobilizing the militia of the State. Major General Isaac Hodsdon, of the Third Division, was placed in command of the troops that were ordered out, and which con-

sisted of about eleven hundred men from the Third Division and thirteen companies from the Second Division, embracing cavalry, artillery, infantry and riflemen. These troops were stationed at different points on the frontier, from Houlton to the Aroostook River. A detachment of three hundred and sixty-nine men was quartered at Calais. It was under the command of Major General Foster. Orders were issued for calling out three companies of the Fifth Division, and eleven companies of the Sixth. The men were rendezvoused at Augusta on the seventh, eighth and ninth of March. A regiment from the Eighth Division was ordered to rendezvous at Skowhegan; but this order was countermanded before the troops, or at least before all of them, arrived at that place.

On the eighth of March, Governor Fairfield sent a message to the Legislature, communicating sundry documents which had been transmitted to him by Mr. Forsyth, and covering a message to Congress from the President, a correspondence between Mr. Forsyth and Mr. Fox, and a memorandum of an agreement drawn up by these gentlemen. This agreement, which did not claim to be binding on the State of Maine, recommended that "Her Majesty's forces will not seek to expel, by military force, the armed party which has been sent by Maine into the district bordering on the Aroostook River, but that the government of Maine will voluntarily, and without unnecessary delay, withdraw beyond the bounds of the disputed territory any armed force now within them; and that if future necessity should arise for dispersing notorious trespassers or protecting public property from depredation, the operation shall be conducted by concert, jointly or severally, according to agreement between the governments of Maine and New Brunswick." An arrangement better calculated than this to prolong the dispute, and thicken its embarrassments, can scarcely be conceived.

It found no favor in this State. After a clear and candid review of the situation by the Governor in a message to the Legislature which communicated the agreement to that body, he expressed the opinion that it ought not to be accepted, and gave strong and convincing reasons in support of that opinion. But he said he would recommend the following :

“ That when we are fully satisfied, either by the declaration of the Lieutenant-Governor of New Brunswick, or otherwise, that he has abandoned all idea of occupying the disputed territory with a military force, and of attempting an expulsion of our party, that then the Governor be authorized to withdraw our military force, leaving the Land Agent with a *posse*, armed or unarmed, as the case may require, sufficient to carry into effect your original design, that of driving out or arresting the trespassers, and preserving and protecting the timber from their depredations.”

The Legislature, on the twenty-third of March, passed Resolutions asserting that the right of this State to exclusive jurisdiction over all the disputed territory had been constant, and was indefeasible, and that no agreement had ever been made which could impair her prerogative to be the sole judge of the time when, and the measure in which, that right should be enforced ; that in view of measures recently adopted by the government of the Union in relation to this question, and particularly the provision made for a special Minister to the court of St. James, and actuated by a desire for an amicable settlement, she would forbear to exercise her jurisdiction over that part of her territory now usurped by the Province of New Brunswick, so far as she could consistently with the maintenance of the Resolve of the twenty-fourth of January last ; but that she had seen nothing in recent events to cause her to doubt that it was her imperative duty to protect her domain, and that no power on earth should drive her from an act of jurisdiction so proper in itself, and to

which her honor was irrevocably committed; that the action of the Governor had their cordial approbation, and that they concurred in the doctrines and sentiments contained in his recent message, and would authorize him to withdraw the troops on the conditions therein set forth; that the practicability of running and marking the line, in conformity with the treaty, was beyond a doubt, and that a crisis had arrived when it was the duty of the general government to have the line run, either by a joint commission or on her own authority.

It should be said that the action of the State at this time met with the strong and general approval of the country, which seemed at last to be thoroughly awakened to the gravity of the situation, to a full recognition of the serious wrongs that had been inflicted upon Maine, to her indisputable title and to her long forbearance, and it pledged her its support. Maryland and Alabama from the South sent, through resolutions of their Legislatures, words of sympathy and proffers of co-operation, as Virginia and Kentucky had done before; Massachusetts repeated her just appreciation of the rights of Maine and of the wrongs she had suffered; New York, Pennsylvania and all New England had the year before signified their purpose to stand for the defence of our soil, while this year Indiana joined with Ohio in "a generous oblation of her whole means and resources to the authorities of the Union, in sustaining our rights and honor."

By an act of Congress, upon a report of a House Committee, the President was authorized to resist and repel any attempt on the part of Great Britain to enforce by arms her claim to exclusive jurisdiction. The whole military and naval forces of the United States were placed at his disposal, with such portions of the militia as he might see fit to call out for our protection.

An appropriation of ten millions of dollars for the purpose was made.

At this stage of the proceedings in Maine, Major General Winfield Scott, U. S. A., appeared upon the scene. At the instance of the President he visited Augusta, and after a conference with Governor Fairfield and members of the State Legislature, and reaching an understanding with Sir John Harvey, the Lieutenant-Governor of New Brunswick—between whom and himself there had long existed a warm personal friendship—an arrangement was effected by which the Maine troops were withdrawn from the disputed lands, and peace restored.

This agreement is reported by Governor Fairfield, in his annual message of 1840, as follows:

“Soon after the adoption of this resolution—March the twenty-third—I received the written assent of the Lieutenant-Governor of the Province of New Brunswick to the following proposition made to him by General Scott, to wit:

“‘That it is not the intention of the Lieutenant-Governor of her Britannic Majesty’s Province of New Brunswick, under the expected renewal of negotiations between the Cabinets of London and Washington on the said disputed territory, without renewed instructions to that effect from his government, to seek to take military possession of that territory, or to seek, by military force, to expel the armed civil *posse* or the troops of Maine.’

“It appearing to me that the precise contingency contemplated by the Legislature, had occurred, I could not hesitate to recall the troops.”

Orders for the return of the troops were issued on the twenty-fifth of March, and by the thirteenth of May the last of them were paid off and mustered out of service at Bangor. And so ended the “Aroostook War,” after an expenditure, I think, of something more than a million dollars by the State, all of which,

it may be said, was re-imbursed by the general government. It tested, at least, and not to their discredit, the patriotism and martial temper of our people. If in any way unsatisfactory in its results, it was not their fault. But something, Governor Fairfield considered, had been accomplished by it. He said :

“The occurrences of last winter served to awaken the attention of the country to the momentous importance of the question, and to induce such an examination of it as to result in a strong and universal conviction that the pretence of claim set up by Great Britain to the disputed territory is palpably unfounded and unjust, and can be persevered in only through an utter disregard of the plain and unambiguous terms of the treaty of 1783.”

Not long after the withdrawal of the troops, a proposition was submitted by the British government to the President for a commission of exploration and survey, but it was coupled with such conditions that one would think it must have been made for the sole purpose of being rejected, with a view to gaining time, and the advantages that might be expected from a protracted “Wardenship” of the country. That time and its accidents were considered, is rendered more than probable by the steps taken by Great Britain concurrently with the negotiation. She sent out a commission of her own—Messrs. Mudge and Featherstonehaugh—to obtain, as she expressed it, topographical information. Failing in all points as yet taken, or imagined, she set herself to work to discover if there might not be new ones more tenable or more plausible than the old, at any rate, to gain time. Nor was the quest a vain one in her estimation, for this remarkable commission discovered and reported that all previous surveys, reports and opinions were erroneous, and that the true line, the actual highlands, were far south, not only of the river St. John, but of Mars Hill ! And when it was answered that this line was not indicated by any

highlands such as were mentioned in the treaty as forming the boundary, they replied, in substance, that there was every reason to believe that *once there were highlands where their line was drawn, which in the course of time—it may have been millions of years—had been abraded and worn away.* This position was seriously taken by the British government, and urged upon the United States. That government would seem to have believed that no claim, no affront even, could arouse the temper of the American government; and certainly it is not strange that she should have formed this opinion.

Edward Kent, who had been elected Governor for the second time, addressed the Legislature of 1841, upon the assembling of that body in January. Referring to the boundary question, he said :

“It is universally conceded by every American, that the treaty of 1783, fairly interpreted and honestly executed, would sustain all our claim * * ; that the ready obedience with which our chosen soldiery responded to the call of their commander, and the unshaken zeal with which they marched from their comfortable homes, in the depth of winter, into the interior forests, and the firm determination which was manifested by every man to sustain the assertion of our rights, must have satisfied all that, although Maine, for the sake of the peace and quiet of the country, * * might forbear to enforce her extreme rights, pending negotiations, there was yet a point beyond which she would not submit to encroachments * * ; that she has a right to ask, when she has yielded so much, that her motives should be appreciated, and her cause become the cause of the whole country. * * ‘And that the assumed line of self-styled geologists, based on imaginary and theoretical highlands which never had any existence save in the fancies of these men, was unworthy of respect.’”

At this session of the Legislature, Mr. Daveis, who was a member of the Senate, made, as chairman of the committee on

this question, a comprehensive and exhaustive report; and, although a gentleman of extreme moderation and rare courtesy, he was moved, after some remarks in reference to the report of Mudge and Featherstonehaugh, to say that the committee "are only restrained from speaking of it further by the respect that is due to the channel through which it comes, rather than to the source from which it proceeds; from speaking—they mean to say as it deserves—of what otherwise might be termed its impudence, its audacity and its mendacity; of its sophistries and evasions; of its assumptions as well as suppressions; of its profligate perversions, and its presumptuous and extravagant pretensions."

If ever trifling and contemptuousness can be practiced by one nation towards another so far as to become an affront, which, by the laws of honor and the duties of self-respect, as they are recognized among civilized nations, would justify an appeal to arms, the making, publishing and offering as evidence of title by the British government, of this impudent and insulting report, furnished justification for a hundred declarations of hostilities such as are settled only on the field of battle.

Governor Kent, in this message of 1841, refers to a procedure on the part of Great Britain, which, if further illustration were needed of the underhanded and offensive manner which it seems to have been her policy and her purpose to practice towards this government, would amply supply it.

It will be remembered that when our troops were withdrawn from the Aroostook, in March, 1839, it was upon a written proposition made by the Lieutenant-Governor of New Brunswick, and submitted through General Scott to the Governor of Maine, in which he agreed, among other things, in the absence of renewed instructions from England, not to seek to *take military possession of the territory*. This promise was accepted as

made in good faith. No renewed instructions were ever given ; that would have been war. But the difficulty was avoided in this way. Great Britain quietly transferred the jurisdiction of this territory from New Brunswick to Canada, and within a few months after this solemn agreement, in the inviolability of which Maine and the federal government fully confided, a portion of the British army was quartered by order of the Governor General of Canada, at Lake Temiscouata, within the limits of this State.

I make the following extract from the message of Governor Kent :

“The correspondence which has recently been communicated to you by my predecessor, discloses another movement on the part of the British authorities, well calculated to arrest attention and call forth indignant remonstrance on the part of Maine and the Union. If I am correctly informed, in a very short time after the conclusion of the agreement by which it was, in effect, stipulated that the British authorities should not take military possession of what is termed by them ‘the disputed territory,’ and during the existence of that arrangement, a detachment of Her Majesty’s troops was stationed at Temiscouata Lake, within that territory, and has been continued there ever since. And we are now informed that another detachment has been moved to and stationed at the Madawaska settlement, for the purpose of sustaining the jurisdiction and supporting the exercise of authority on the part of the British magistrates.”

In 1842, Governor Fairfield was again in office. John Tyler was President of the United States, and Daniel Webster was Secretary of State.

In his annual message to the Legislature, the Governor said that the State had “good grounds to believe a fair and reasonable proposition on the part of our government, with a view to

a final and amicable settlement of the question, has remained another year *unanswered*, if not *unnoticed*." He thought there was no room for doubt or hesitancy as to the course which the general government ought to pursue. He observed that "national honor, as well as justice to Maine, clearly indicate it—and that is, to purge the soil of this State effectually, and without delay, of every vestige of British encroachment; and then, if there is to be further negotiation upon this subject, let it be on the part of Great Britain to *obtain* what for more than a quarter of a century she has refused to *yield*. When a reasonable expectation can no longer be entertained that the general government will adopt this, or some equally efficacious course, if Maine is true to herself, she will take possession of the whole territory, and, if need be, use all the means which God and nature have placed in her hands to maintain it."

Referring to the exploration and survey which the general government had at last undertaken, and which were understood to have been nearly completed, he remarked that it was believed that it would "add a confirmation of our title which no ingenuity could avoid or effrontery deny."

On the seventeenth of January, resolutions were passed instructing our Senators to call on the President for information as to the state of negotiations, to which Mr. Webster replied that *no correspondence had taken place which, in his judgment, could be made public without prejudice to the public interest*.

A joint-select committee, of which Hon. Edward Kavanagh was chairman, made a report on the seventh of March, in which liberal extracts from the Governor's message were copied, including those given herein, all of which received the full approval of the committee and of the Legislature. But in consideration that it was understood a special minister had been appointed by Great Britain to visit Washington, with full power to con-

sider and adjust all questions in controversy, it was not deemed expedient at that time to do more than re-state the position of Maine; in doing which the committee took care to say that "Maine, through her Legislature, has uniformly protested against an arbitration; and we hazard nothing in saying that the people of this State will never consent that the inheritance derived from their ancestors be committed to such a hazard."

On the eleventh of April, Mr. Webster wrote Governor Fairfield that Lord Ashburton, a Minister Plenipotentiary and Special, had arrived at Washington, with full powers to negotiate and settle the different matters in discussion between the two governments; "that in regard to the boundary question he had authority to treat for a conventional line, or line by agreement, on such terms and conditions, and with such *mutual considerations and equivalents*, as may be thought just and equitable." He referred the Governor to the great losses of Maine in the Aroostook War, and to the fact that the United States had already paid one hundred thousand dollars towards an exploration; and, in contempt of the declaration of Mr. Kavanagh's committee, that Maine would never give her consent thereto, told him that if the case were not settled now it would go to another arbitration! He then proposed that Maine and Massachusetts should appoint Commissioners, with authority to give the assent of those States to such a settlement as he and the British Plenipotentiary might agree upon; and, to this end, that the Governor should convene the Legislature in special session, without unnecessary delay.

In accordance with this request, the Legislature was convened by the Governor, at Augusta, on the eighteenth day of May, 1842.

When the Legislature came together, they were informed by the Governor that "the British government is now prepared to propose * * * what may be thought to be *a just and*

equitable equivalent for a portion of that which she has heretofore claimed as her own." He denounced any agreement for dividing the territory which did not afford an equivalent for the part that should be ceded to Great Britain.

The question was debated with much spirit for several days. Hon. Peleg Sprague, of Boston, Judge of the United States District Court, formerly a Senator in Congress from Maine, visited Augusta as the representative of Mr. Webster, and had prolonged conferences with members of the Legislature, urging the appointment of Commissioners, with liberal powers; and Mr. Jared Sparks, the historian, was mentioned, confidentially, by the knowing ones, as being at the Capital and holding private interviews with certain members of the Legislature. Hon. Albert Smith, a former member of Congress from this State, a gentleman of large influence, alike from his distinguished ability and his rare and genial humor, was also in attendance as an organ of the State Department. Measures for the preparation of public opinion for a conventional line were set on foot. Leading newspapers—religious as well as political—were in possession of new light and unwonted zeal upon this subject, to the extent, in some cases, of being able to see things that had been wholly obscured before—and the secret service fund of the State Department suffered a shrinkage, the details of which, if I remember aright, Mr. Charles Jared Ingersoll, with all his pains, was never able to obtain.

With all this effort, and notwithstanding the proposition was only for the appointment of Commissioners who, it was supposed, would make equivalents in kind as the conditions of any convention they might assent to, there was a respectable minority of the Legislature, who were inflexibly opposed to the appointment of Commissioners, upon any conditions. Some of them believed that the State had no rightful power to sell or

transfer, for a consideration, any of its citizens. Mr. William Frye, of Bethel, a member of the committee to which the subject had been committed, made a minority report in maintenance of this position; and I think there was not a member of either house who had a thought or fear that any convention would be entered into, under which, if the State surrendered land which was hers by the treaty of 1783, she would not receive territory in return, which was acknowledged to belong to New Brunswick. From the opportunity which I had of knowing the feeling and expectation of members—having myself been one of them—I believe I take no risk in saying that if it had been understood that any line would be agreed upon that should not give to Maine some portion of the acknowledged territory of New Brunswick, in exchange for what the latter should receive from Maine, the commission would never have been constituted. I do not believe it would have received ten votes in both houses.

Indeed, one of the resolutions carried this idea, and it was supposed that it would be regarded as conveying an implied instruction, at least. It read as follows:

“Resolved, That this State cannot regard the relinquishment, by the British government, of any claim heretofore advanced by it to territory included within the limits of the line of this State, as designated by the treaty of 1783, and uniformly claimed by Maine, as a consideration or equivalent, within the meaning of these resolutions.”

Four Commissioners—two from each political party—were appointed by the Legislature. William Pitt Preble and Edward Kavanagh represented the Democrats; Edward Kent and John Otis the Whigs. They proceeded without delay to Washington, and were there joined by Abbot Lawrence, John Mills and Charles Allen, Commissioners from Massachusetts.

The assent of Maine to the treaty, which was literally wrung

from her Commissioners, was given on the twenty-second of July, 1842. Massachusetts had given hers two days before. One needs but to read the paper in which that of Maine was conveyed, or the report of the Commissioners to the Governor, to discover that it was only through moral duress of the representatives of Maine that the document was obtained. The grief and the shame of it were expressed in words which cannot be misunderstood.

The Commissioners said :

“Considering, then, this proposition as involving the surrender of more territory than the avowed objects of England require, as removing our landmarks from the well-known and well-defined boundary of the treaty of 1783, the crest of the highlands, besides insisting upon the line of the arbiter in its full extent, we feel bound to say, after the most careful and anxious consideration, that we cannot bring our minds to the conviction that the proposal is such as Maine had a right to expect.

“But we are not unaware of the expectations which have been and still are entertained of a favorable issue to this negotiation by the government and people of this country, and the great disappointment which would be felt and expressed at its failure. Nor are we unmindful of the future, warned as we have been by the past, that any attempts to determine the line by arbitration may be either fruitless, or with a result more to be deplored.”

And so they consent to say that if the judgment of the nation shall demand the sacrifice, and the Senate of the United States shall advise and consent to it, their assent will not be withheld, although it will involve “a surrender of a portion of the birth-right of the people of their State, and prized by them because it is their birthright.”

The fact is, Mr. Webster was determined that the question should be settled at all events. He reasoned, he implored, he

threatened. 'He had connected this question with others—questions which were indeed well settled by the terms of the treaty, and which the whole country was anxious to see settled—and thus had brought all these interests and influences to bear on the Maine Commissioners. New York was to get Rouse's Point; there was the Caroline case; the Creole case; and the right of search; the suppression of the slave trade on the coast of Africa—important matters, all, and all virtually and wisely adjusted by the treaty or by the correspondence and informal negotiations at the time. It was like the case of making a general appropriation bill carry an obnoxious measure. All these influences were brought into conspiracy against our Commissioners. The business interests of the country needed the assurance that there were to be no disturbances, no war—an almost solid South demanded that the question should be put at rest. For one, although I have never ceased to regret that the Commissioners yielded, I have not had it in my heart to find fault with them, knowing, not only from the public history of the affair, but also from many conversations with a prominent member of the Commission, the straits into which they were thrown and the force and character of the demands that were made upon them.

In their letter to the Governor of Maine, in which they reported their doings as Commissioners, they complain that they, as well as the Legislature and people of the State, had been misled by the assurances which had been given in respect to the extent of the power intrusted to the British Plenipotentiary. "Instead," they say, "of being clothed with full power to negotiate a mutual exchange of contiguous territory for the purpose of removing the acknowledged inconveniences resulting from the treaty line of demarcation, we soon learned that he had no authority to concede a single acre of British territory adjoining

Maine—nay, not even the smallest of her islands in Passamaquoddy Bay.”

Nothing is more certain than this—that if the Governor had understood that the assurances made to him in the letter of the Secretary of State were unauthorized by anything in the instructions to the Minister, there would have been no special session of the Legislature. That this was the opinion of the Commissioners is manifest from their report. “The views of the Legislature,” they say, “so repeatedly expressed, were opposed to any assent on the part of its agents,” to a ratification of the line of the King of Holland. Yet the line of 1842 was less favorable to Maine than that. The pressure was such, however, that the consent of the State was finally given, on the condition, as the Commissioners inform the Governor, “that in the opinion of the Senate of the United States, Maine ought, under existing circumstances, to assent to so great a sacrifice of her just claims for the peace and harmony and general welfare of the Union.”

The ratification of the treaty was vigorously opposed in the Senate by Mr. Williams, of this State, Col. Benton, Mr. Buchanan, and others. Mr. Woodbury, of New Hampshire, criticised its provisions with much severity, but intimated that, since Maine had given her consent, he might not withhold his vote.

Col. Benton's speech occupied several hours, in which he showed up, with a thoroughness that was as complete as it was merciless, its imperfections and inconsistencies, and incompatibility with the interests and honor of the nation. He spoke of Maine as having been “victimized” and betrayed. “And this,” says he, “is her consent! Pressed by the President of the United States, pressed by the American negotiator—menaced—abandoned by her mother State—isolated from other States—presented as sole obstacle to the general peace—warned

that it was the last chance ; thus situated, this devoted State so far subdues herself as to say, through her Commissioners, that she submits to the sacrifice if, upon mature consideration, the Senate of the United States shall approve it." He said that we surrendered our old natural mountain boundary, the crest of the highlands, to which we had clung with a religious pertinacity from the beginning, and with it a strip of country one hundred and ten miles long, containing eight hundred and ninety-three square miles, beyond and above what was assigned to Great Britain by the King of Holland, and gave her the line she had contrived for the purpose of weakening our boundary and retiring it farther from Quebec.

Mr. Buchanan argued the question in detail and at great length. He said :

"I have earnestly endeavored to keep my mind open to conviction until the last moment ; but after all I cannot vote for this treaty without feeling that I had violated my duty to the country, and without forfeiting my own self-respect. In the emphatic language of the Senator from Maine (Mr. Williams) I believe it to be a treaty unjust to Maine, and dishonorable to the whole country ; and thus believing, if it depended upon my vote, it should be rejected without regard to consequences."

He said he concurred with the opinion formerly expressed by Mr. Webster, that the claim of the British government "does not amount to the dignity of a debatable question." He denounced Mr. Webster, as Col. Benton had done, in terms of reproach, which would have had greater effect had they been less sweeping and had they not indicated that personal feeling may have had something to do with barbing them. "That man," he exclaimed, "of gigantic intellect, whose great powers ought to have been taxed to the utmost to save Maine from dis-

memberment, was the very man who urged them (the Commissioners) to consent to the dismemberment."

But the speech which, perhaps, of all the speeches that were made, best reflected the attitude and feelings of Maine, was by her own Senator, Hon. Reuel Williams; it was dispassionate, clear and dignified, but earnest and strong. While avoiding the language of vituperation, it did not conceal the impression that Maine had been misled into a position to which no power could have brought her with her eyes open and her hands free; nor did it repress an expression of regret that the Commissioners, when they found, in direct conflict with their understanding of the facts, and that of the Legislature, that the British Minister had not full powers, had, indeed, no authority to cede an acre of British soil for any consideration whatever—and when limitations had been withheld from them, expressly on the ground that none were imposed on Lord Ashburton, and therefore that both sides should come together on the same footing—did not return at once, instead of remaining at Washington to transfer the interest and the honor of the State from their own hands into the sole keeping of the Senate of the United States. Mr. Williams said:

"I would go far, very far, to compromise this dispute upon honorable terms, and I would not be particular as to the value of equivalents. But I hold that Great Britain has contiguous territory, convenient to us, which she might and ought to give in exchange for the territory belonging to us which she so much needs, and ought to have for a just equivalent. This treaty does not accomplish fairly either object; it gives to Great Britain more than is necessary, and withholds from Maine what she ought to acquire."

In closing, he said:

"I cannot agree to the ratification of the present treaty. It is

unjust to Maine, and, in my judgment, dishonorable to the nation. I do not desire another arbitration, which may be more ruinous to Maine than the present arrangement. I have no confidence in further negotiation. What we have had has greatly weakened our once perfect title ; and I see no other way of getting our right as a nation and performing our high obligation to one of the States of the Union, than by taking possession of what belongs to us and holding it. In such a course we will have right and justice on our side. If others interfere with us, it must be in their own wrong. With these views, I send to the Chair the following resolution, and ask the yeas and nays upon its adoption :

“*Resolved*, That the treaty and documents now under consideration be re-committed to the Committee on Foreign Relations, with instructions to report a resolution directing the President of the United States to take immediate possession of the disputed territory, and to report such contingent measures as, in their opinion, may be necessary to maintain the just right of the nation.”

The resolution was not adopted.

When the treaty was before the Senate, similar tactics to those which had been used in extracting the consent of the State of Maine to its provisions were employed. Mr. Jared Sparks, when in Paris, some time before the negotiation, had found in the archives of the French government an old map, with a red line, of this part of the country, a copy of which was furnished by him to the Secretary of State, and by the latter communicated to the Senate in executive session, with a flourish of trumpets, sounding not victory, but defeat, to the claims of the United States and of the State of Maine. The history of the discovery of this map is told by Mr. Sparks in his letter to Mr. Webster, from which I copy :

“While pursuing my researches among the voluminous papers relating to the American Revolution in the *Archives des Affaires*

Etrangers in Paris, I found in one of the bound volumes an original letter from Dr. Franklin to Count D'Vergennes, of which the following is an exact transcript:

“‘PASSY, Dec. 6, 1782.

“‘SIR:—I have the honor of returning herewith the map your Excellency sent me yesterday. I have marked with a strong red line, according to your desire, the limits of the United States, as settled in the preliminaries between the British and American plenipotentiaries.

“With great respect, I am, &c.,

“‘B. FRANKLIN.’

“This letter was written six days after the preliminaries were signed; and if we could procure the identical map mentioned by Franklin, it would seem to afford conclusive evidence as to the meaning affixed by the Commissioners to the language of the treaty on the subject of the boundary. You may well suppose that I lost no time in making enquiry for the map, not doubting that it would confirm all my previous opinions respecting the validity of our claims. In the geographical department of the archives are sixty thousand maps and charts, but so well arranged with catalogues and indexes that any one of them may be easily found. After a little research in the American division, I came upon a map of North America, by D'Anville, dated 1746, in size about eighteen inches square, on which was drawn a strong red line throughout the entire boundary of the United States, answering precisely to Franklin's description. * * Imagine my surprise on discovering that this line runs wholly south of the St. John, and between the head waters of that river and those of the Penobscot and Kennebec. In short, it is exactly the line now contended for by Great Britain, except that it concedes more than is claimed. * * There is no positive proof that this map is actually the one marked by Franklin; yet, upon any other supposition, it would be difficult to explain the circumstances of its agreeing so perfectly with his

description, and of its being preserved in the place where it would naturally be deposited by the Count D' Vergennes."

Mr. Rives, of Virginia, a prominent member of the Committee on Foreign Relations, and I think its Chairman, introduced in the Senate this letter and the map which accompanied it—a copy of the original in the French archives, and which Mr. Sparks had marked with a black line—with these remarks :

"Is there no danger, in the event of another arbitration, that a further research into the public archives of Europe might bring to light some embarrassing (even though apochryphal) document to throw a new shade of plausible doubt over the clearness of our title in the view of a sovereign arbiter? Such a document has already been communicated to the committee, and I feel it to be my duty to lay it before the Senate, that they may fully appreciate its bearings and determine for themselves the weight and importance which belong to it."

He adds, that it is due to Mr. Sparks, that an account of it in his own words, in a letter to the Secretary of State be given. Mr. Sparks' letter was then read.

Here, then, was a brand new discovery, which one can scarcely conceive of as not fatal to our claim, if Mr. Sparks' inferences are to be relied upon, concealed from the other side, and suddenly sprung upon the Senate in secret session, to influence its action, and which, it may have well been supposed, would place the ratification of the treaty, notwithstanding the opposition of our Senator, Mr. Reuel Williams, Col. Benton and others, beyond much doubt. The treaty was indeed ratified, but not until the utter worthlessness of this evidence had been exposed by Col. Benton, Mr. Buchanan and Mr. Woodbury. This red-line map turned out to be no other than one of many red-line maps of 1746, one of which, from Mr. Jefferson's collection, had long been in the library of Congress, and had nothing whatever

to do with the map used by the Commissioners, or with that sent to the Count D'Vergennes.

The question was brought up at the next session, also, when Col. Benton said (See *Globe and Appendix* for 1842-3, Vol. 12, p. 111): "When he saw that the Senator from Virginia was yet in the act of pressing the importance of the map referred to by Mr. Sparks, he interrupted the Senator by calling, 'Here is the very same red line on Mr. Jefferson's map,' and on comparison it was found to correspond exactly. He proclaimed the red line loudly to prove that Mr. Sparks' secret was no secret at all."

This speech by Col. Benton was made on the fourth of January, 1843. Mr. Rives' speech, before quoted from, had just been published, the injunction of secrecy having been removed from the proceedings. Col. Benton took this occasion to correct some errors, as he considered them, in this speech. On the next day the question was brought up again, when Col. Benton said "there was not one particle of evidence to be adduced from the circumstance that the map, found by Mr. Sparks, in Paris, had a broad, strong red line indicating some boundary of Canada, was marked by Dr. Franklin; because every French map of the day had the same red line on it."

The fact seems to have been that this old French map, made nearly forty years before the treaty of 1783, indicated merely a French claim of boundary by just such a red line as was at that time commonly used. Besides, the fact that in 1794, when the subject was before the Commissioners, no such map or evidence of boundary was referred to, should have convinced Mr. Sparks that his version was not only untenable but preposterous. But the testimony, showing the utter failure, so far as the evidence was concerned, of this attempt to influence the Senate in favor of the treaty, was not permitted to be closed here. On

the eighteenth of January, Col. Benton again brought the subject before the Senate, when he produced a letter from Dr. Franklin, (the same already copied in this paper), dated the eighth of April, 1790,—and the last letter ever written by him—in which he says that the *map used in tracing the boundary was brought to the treaty by the Commissioners from England, and that it was the same that was published by Mitchell twenty years before*, and further, that the American Commissioners informed Congress of the fact at the time.

These revelations exploded and scattered, one would have hoped, forever, this wretched red-line map performance. But this was not to be; and years afterwards its echoes came to us from across the Atlantic. When, in 1861, the loyal country was engaged in an effort to preserve the nation, it received, as will be remembered, but small sympathy from the higher classes in England, who were eager enough to find grounds of indictment against the United States, and excuses for their own unfriendly feelings and actions. And among other explanations and excuses, they turned to this red-line map, took it up and threw it at us. The newspapers used it, the clubs talked about it, and one of the leading Quarterly Reviews, in an elaborate argument defending England's attitude of unfriendliness towards this country, referred, in justification, to the red-line map, its discovery, its concealment, its use in secret session of the Senate, and its exposition only after the treaty had been ratified, when the fraud had done its work too completely to be made ineffectual. This was not pleasant reading to us at that time, however groundless we knew the accusations to be; for we knew, also, that those to whom they were chiefly addressed—Englishmen, whom it was desired to see embittered against this country—did not know the facts, nor were they remembered by many even in our own country. The charge was well calcu-

lated to do us harm, and was, as against the nation, without a shadow of reason. Mr. Edward Everett, writing me on the twenty-eighth of February, 1862, said: "Of all the attempts in England to raise a prejudice against us, this clamor about the red-line map is the most unjustifiable."

Whatever of wrong there may have been in this transaction, it was wrong against the United States, and not against England. The latter had no right to complain of an expedient employed in her behalf, and that might open the way to the ratification of a treaty which she was so desirous to have executed as this. The whole story being a fiction, or a mere inference that was plainly without foundation, no evidence tending to support the British claim *had* been suppressed. Indeed, it is more than probable, from the language of one of Lord Ashburton's letters to Mr. Webster, that he had seen this very map; and he must have known, or he would have made other use of it, what it was designed to describe. This was shown quite clearly, I think, in the Senate debate on the ratification of the treaty.

The treaty having been attacked by many individuals, and among others, by Senator Daniel S. Dickinson, of New York, Mr. Webster made what he called a "Vindication of the treaty of Washington," on the sixth and seventh days of April, 1846, in which no reference is made to any danger we escaped by the treaty, from the red-line map discovery. In truth, the red-line map theory never had the slightest respect in this country after Colonel Benton's speeches in 1843.

The treaty line of 1842 commenced at the monument, at the source of the St. Croix, as agreed by the Commissioners under the treaty of 1794; thence it followed the exploring line that was run and marked by "the surveyors under the fifth article of the treaty of Ghent, to its intersection with the river St.

John and to the middle channel thereof; thence up the middle of the main channel of the said river St. John to the mouth of the river St. Francis" (to which point it is identical with the King of Holland's line); "thence up the middle channel of the said river St. Francis, and of the lakes through which it flows, to the outlet of Lake Pohenagamock; thence south-westerly, in a straight line to a point on the north-west branch of the river St. John, which point shall be ten miles distant from the main branch of the St. John, in a straight line in the nearest direction; but if the said point shall be found to be less than seven miles from the nearest point of the summit or crest of the highlands that divide those rivers which empty themselves into the St. Lawrence, from those which fall into the river St. John, then the said point shall be made to recede down the said north-west branch of the river St. John, to a point seven miles in a straight line to said summit or crest; thence in a straight line, in a course about south, eight degrees west, to a point where the parallel of latitude of $46^{\circ} 25'$ north intersects the south-west branch of the St. John; thence southerly by the said branch, to the source thereof in the highlands, at the Metxarmette portage; thence down along the said highlands which divide the waters which empty themselves into the river St. Lawrence from those which fall into the Atlantic ocean, to the head of Hall's stream," etc.

Comparing this boundary with the line of the King of Holland, it is painfully obvious how much the State of Maine lost by refusing to accept the latter, as she indignantly did, in 1831. Accepting that boundary, she would have saved in territory 571,520 acres, or 893 square miles (see Mr. Webster's Vindication), and would have received from the United States land in the State of Michigan, of the value of two millions of dollars.

(See letter of the Maine Commissioners to Governor Fairfield, January 4, 1843.)

Maine received from the United States, in the way of compensation for her assent to the treaty of Washington, the sum of one hundred and fifty thousand dollars. Had she acquiesced in the recommendation of the King of Holland, she would have saved to herself a tract of country (given up by the Ashburton treaty) as large as the counties of Androscoggin and Sagadahoc and a good part of Lincoln, and have received, under General Jackson's proposition, in 1831, land of the value of two millions of dollars.

But it may be said, she acquired the free navigation of the river St. John. It has already appeared, and was shown in the Senate debates, that by the law of nations she already possessed that right, and more fully, as Col. Benton argued, than was set down in the text of the treaty. But, waiving that point, she had it practically, and would have enjoyed it. For the interests of the city of St. John, and of the Province as a whole, would have placed it on a satisfactory and permanent basis. So large a proportion of the trade and commerce of that city depended upon the trade in the lumber and other products of north-eastern Maine, that the Province was under stronger than treaty obligations to yield, and even to facilitate, the use of the river for the transportation of these products by our people. But even the treaty, under the construction put upon it, became an embarrassment rather than a benefit. Instead of enjoying, under its provisions, the rights which the people of Maine had reasonably anticipated, they were restrained beyond all previous experience. The treaty, by its terms, excluded manufactured articles, and besides, contained the following clause: "When within the Province of New Brunswick, the said produce shall be dealt with as if it were the produce of said Province."

This was a most unfortunate clause; for in virtue of it the Province assumed to collect, and in fact did collect, stumpage on lumber and timber cut in Maine, in the same manner and to the same extent that it would have done if they had been cut in New Brunswick. This is the way in which it was effected. New Brunswick levied an export duty, in lieu of stumpage, on all lumber and timber cut in the Province on which stumpage was due thereto, and as by the treaty, the lumber and timber cut in Maine were to be dealt with, when within the Province, as if they were the produce of the latter, and since she levied an export duty on her own, she had, she maintained, the same right to levy it on that which came from Maine. She did levy it and collect it. Making the duty high enough to include her claims for stumpage, it covered, of course, stumpage on the lumber and timber from the State. She collected no other stumpage. But a Maine lumberman, who had paid stumpage to the State, or to the proprietor at home, was compelled to pay it again to the Province. Having lost her pretended title to the soil, she yet contrived to hold and treat its growth and products as her own. When earnest remonstrance was made against this extortion and abuse of the treaty, she only replied that the right was given by it and would be exercised. And it was exercised until the treaty of Washington, in 1871, when the right to tax American produce in transit to an American market was taken away.

To the consideration, so urgently and so unceasingly pressed upon the people of Maine, that the treaty as a whole was advantageous to the United States, and their State should therefore be willing to set aside her single interest and her sentiment in deference to the general good, they always could answer, that she had never been unready to do her duty to the Union—that she had been patient under injury and indignity from a

foreign power, such as had been visited upon no other State; and this, too, when she had occasion to feel that her rights were neglected, and, as at times it almost seemed, betrayed by the national government, her constitutional protector. And they remembered, and could further answer, that there had been times and opportunities when a just and reasonable arrangement could have been effected, if the authorities at Washington had been as mindful of her interests and honor as they had never failed to be of smaller concerns affecting other interests and other sections of the country; that a line from near the monument at the head of the St. Croix to Eel River; thence to its outlet in the river St. John, some twelve miles below the town of Woodstock; thence up the rivers St. John and St. Francis to the crest of the highlands; thence following the line recommended by the King of Holland—was so well understood at one time as being attainable, that large purchases of real estate were made in the neighborhood of and above Eel river, upon the advice of parties at Washington, who enjoyed the very best means of knowing what might have been and was expected to be accomplished.

This State well understood that Great Britain regarded the right of way across the Madawaska country as a prime convenience, if not as a positive necessity; and she was never unwilling, with the consent of the people residing there (and which for many years there would have been no difficulty in obtaining), to cede to her so much of the territory as was needed for this purpose, and would have been content with a reasonable equivalent for so considerable a concession. That Great Britain overestimated the importance of this right of way, has been manifest from her subsequent action. She has practically acknowledged it, by insisting that the railway which she has aided in constructing, that connects Halifax and St. John

with Quebec and Montreal, should be built upon a route east of the boundary line as always claimed by Maine.

Nor is it quite easy for this State to forget that the more valuable the considerations moving to the United States in the frontier changes of boundary in the country west of Maine, the larger were the sacrifices to which she was called to submit. For these better boundaries in the west something was necessary to be paid, and it fell to the lot of Maine to make the payment from territory to which Congress had declared her title to be "clear and unquestionable."

For this large and uncalled for surrender of her soil, Maine sought no money equivalent. She only sought compensation in kind—land for land—privilege for privilege. She always refused to treat the question as one of pecuniary indemnity. When, in 1831, she was asked to accept the line of the King of Holland, and receive Michigan lands of the value of two millions of dollars, she promptly, as has been seen, and not without a feeling of just indignation, rejected the terms, regarding them as unjust and derogatory. And when, in 1842, her boundaries were so largely abridged, she declined to remember, as against the miserable *douceur* with which she was then put off, the greater compensation which she had spurned ten years before.

There is no fact in the history of Maine, in which I take greater satisfaction than this—that, while feeling keenly the injustice done to her, when once the sacrifice became inevitable, she was too proud to higggle about the price.

The story which I have here so imperfectly told, honorable as it is to the people of Maine, and for the most part creditable to her authorities, forms an interesting and important chapter in her annals, and if it be true, as we are told, that history is

philosophy teaching by example, it is one that may be read with interest and profit by the present and by future generations.

CORRECTION.

In Section II, on page 15, it is said: "The Commissioners having agreed upon the river, decided that its source was in what is now known as Round Lake, the same, I suppose, that is laid down as North Lake in Greenleaf's map of 1815," &c. This is a mistake. The Round Lake which the Commissioners first agreed upon was the lowest of the western Schoodic Lakes. It had been claimed by the British agent as the true head of the St. Croix, in an elaborate argument based upon the belief that it would give a line to the highlands so far to the west of one starting from Lake Cheputnecook, as to leave the sources of the rivers that fall into the Bay of Chaleurs within British territory. But no sooner had he discovered that this was an error, than he took steps to have the branch of the St. Croix, against which he had been earnestly contending, adopted as the true river. He seems to have had no difficulty in bringing about this change. The "bad luck" in this case must be largely ascribed to the ignorance of the American Commissioners.

There seems to have been, at first, a misunderstanding on both sides, as to the effect of their respective claims. But the British agent was soonest undeceived.

The line claimed by this agent, as originally understood and contended for by him, would indeed have set aside "the plain provisions of the treaty and its undisputed history." But as it would have been run, it would have taken from New Brunswick a strip of country ten miles wide by one hundred and fifty miles in length. See letter of Robert Liston to Ward Chipman, October 23, 1798.

At all events, the British appear to have had their own way before the Commissioners. When they asked for Round Lake, they received it; and when they wanted Cheputnecook, they had no difficulty in getting it.

[To face p. 106.]



ARTICLE II.

COL. ARTHUR NOBLE, OF GEORGETOWN:

HIS MILITARY SERVICES AT CAPE BRETON
AND NOVA SCOTIA, AND HIS DEATH
AT MINAS,

BY

HON. WILLIAM GOOLD, OF WINDHAM.

READ BEFORE THE MAINE HISTORICAL SOCIETY, AT
PORTLAND, MARCH 22, 1877.

COLONEL ARTHUR NOBLE, OF GEORGETOWN.

One of the heroic men of Maine, serving in the French and Indian wars of the last century, whose history has been neglected, was Col. Arthur Noble, of Georgetown. His tragic death, at Minas, N. S., is simply mentioned by Haliburton in his history of that Province; but neither his Christian name nor place of residence are given. It adds much to the interest in a man's history, to know his local habitation and his name. Col. Noble's residence could only be ascertained by examining the record of his military commissions and the York County registry of deeds. I find the earliest mention of him in a mortgage deed, dated at Boston, November 5, 1733,* in which he refers to a deed to him of the same property by the mortgagee two days previous, but of which I find no record. The following extract will show the location of the property named. It became his home until his death, and of his descendants for many years:

"Arthur Noble, of Georgetown, on Arrowsic Island, trader, to secure to James Minot, of Boston, merchant, the payment of 600 pounds," mortgaged "all that certain farm, or tract of land commonly known by the name of Pleasant Cove, with the houses,

* York records, Vol. 16, p. 119.

barns and fences thereon standing, which the said Noble, by deed bearing date the third current, bought and purchased of said Minot, situated on Kennebec River, and now in the occupation of James Savage and Thomas Williams, being the same that was laid out to Stephen Minot, father of said James, by the proprietors of the Pejepscot Company, is bounded southerly by land of Adam Winthrop, Esq., and easterly by Sagadahoc River; to run up the river about three-quarters of a mile in a straight line, which reaches to, or nearly to Winnegance; thence to strike over on a course west by north, half northerly, to Casco Bay."

This mortgage was discharged by the mortgagee September 25, 1735.

On the twenty-ninth of December, 1737, Arthur Noble, of Pleasant Cove, on Kennebec River, sold a part of this tract to "William McLenichon, now of Prospect, on Kennebec River, minister of the gospel, at Pleasant Cove." * One condition of the sale was that "the said McLenichon is to allow the road as it now runs to be open and convenient for foot and horsemen to pass and repass to and from the *meeting house*, or on any other occasion." The location of Col. Noble's house is referred

* The Rev. Wm. McLenichon (I follow the spelling of the name in the registry of deeds) was a noted Presbyterian clergyman from the North of Ireland, where most of his congregation at Fiddler's Reach probably came from. He was afterwards settled at Cape Elizabeth (1736). In 1742, he was again at Georgetown. In 1746, Col. Noble obtained for him the chaplaincy of his regiment in the Louisburg expedition. After Mr. McLenichon's return from Louisburg, he became a convert to the church of England. In 1755, Governor Shirley and other influential men of that faith, recommended him to the English "society for the propagation of the gospel in foreign parts" as a suitable person for appointment as their missionary to the Kennebec—as the Episcopalians residing on the river had petitioned the society to send them one. Mr. McLenichon received the appointment, and commenced his labors in May, 1756, residing first at Fort Richmond, and officiating alternately at Pownalborough and Georgetown, until 1758, when he removed to Pennsylvania.

NOTE.

When this volume was nearly through the press, I discovered among the Pejepscot papers the copy of a letter from Col. Thomas Westbrook, of Falmouth, to Adam Winthrop, of Boston. They were both members of the Pejepscot Company. This letter and Col. Westbrook's deed fix the time of the building of the meeting-house at Pleasant Cove, mentioned on page 111, to be in 1735-6. In his letter dated June, 1735, Col. Westbrook says he contributed to its erection. In his deed of land to the minister, dated October 7, 1736, he describes him as *minister in the meeting-house now standing near the house of Lieut. Arthur Noble*. The meeting-house must have been built between the date of Col. Westbrook's letter and that of his deed.

[COPY.]

"HARROW HOUSE IN FALMOUTH,* June 30, 1735.

"*Sir* :—I congratulate you in your recovery of Mereyconege Neck (Harpswell). I hope you will always recover what lands belong to us in these parts.

"In my return from St. Georges I called at Kenneybeck and went up to Left. Noble's farme. He told me that they had desier to build a meeting-house on his farme near his garrason, on which I redely give him my note for ten pounds towards it, and to give the minister that belongs to it fifty acres of land, which I hope will be agreeable to you, your farme being so nie."

* "Harrow House in Falmouth" was the residence of Col. Westbrook. It stood on the southern shore of Fore River at Stroudwater. The cellar, with two apple trees near, may yet be seen on the Broad farm.

to in a deed dated seventh of October, 1736, as follows:
 "Thomas Westbrook, of Falmouth, Esq., for and in consideration of the love and affection I bear to my well-beloved friend Wm. McLenichon, now minister on Kennebec River, *in the meeting house,* now standing near the house of Lieut. Arthur*

* This ancient meeting house, its location, the denomination that erected it, and the date of its erection, have been subjects of considerable speculation and controversy. From these deeds the location of Mr. McLenichon's meeting house is fixed at "Pleasant Cove." From his well-known Presbyterian belief at that time, and his license to teach it, this house of worship was undoubtedly built by the Presbyterians who came here under the patronage of Capt. Robert Temple, soon after 1720. The town records of Georgetown have a record of the births of the children of Michael Malcom, who lived next on the west bank of the Kennebec, below "that farm commonly known by the name of Pleasant Cove." The son William "was born in Ireland, Nov. 7, 1720. John "born in Boston, May 20, 1723." The next child was born in Georgetown in Nov. 1725. The space of time covered by these dates included the time when Capt. Robert Temple was chartering ships in successive years, to bring families of the better sort from Ireland to settle his lands at Long Reach, at and above Bath. They probably arrived at and remained in Boston until their habitations were ready. Many settlers gathered round the garrisons, or fortified their own houses, during Lovewell's war, and held their position for a while at least, and returned to their farms at its close, in 1725. Their descendants are yet prominent citizens on the Kennebec.

Col. Thomas Westbrook, who in his deed says "for and in consideration of the love and affection I bear my well-beloved friend, Wm. McLenichon," is recorded as one of the founders of the Congregational church in Scarborough, in 1728. He removed to Falmouth soon after. He undoubtedly had Presbyterian preferences, but like many others of that faith, he affiliated with Congregationalists. The record book at Georgetown shows that the two denominations named had many adherents in that town, and committees were raised to effect a compromise, but all seemed ineffectual. In 1740 the town "voted to employ a Congregational minister, as well as James Morton, Presbyterian."

It has been claimed that the meeting house at Pleasant Cove was built in the interest of the Church of England; but I have found no evidence of it. In "A Contribution to the History of Bath" (Me. Hist. Coll., Vol. III, p. 277)

Noble on said river, fifty acres of land out of my tract fronting three-quarters of a mile on Long Reach." The same condition is named about an open road, as was in Noble's deed to McLenichon. By these documents we are enabled to fix the residence

the writer leans to this opinion. He says: "It could not have been built during Mr. McLenichon's ministry." If the house of worship had been built by the Episcopalians, it would have been called a *church* in the deeds. In 1757, after Mr. McLenichon had become a missionary at Frankfort and Georgetown, in the employ of the Church of England society, he wrote to the society that there was no church at Frankfort or Georgetown. This old meeting house at Pleasant Cove was standing, according to Col. Westbrook's deed, twenty years before the "venerable society" sent their first missionary to the Kennebec. Rev. Mr. Wheeler, who was officiating as missionary of the Church of England, at Georgetown, in 1769, wrote to the society in England, that his people had erected the frame of a church, and in a petition to the same society from "the inhabitants of Georgetown and Harpswell, on the Kennebec River," they say they "have begun to build a church, which is now in great forwardness." The site of this Episcopal church I leave for future investigation. The Rev. Mr. Bailey, missionary on the river in 1760, reported to the "venerable society" that he had seventeen communicants at Georgetown.

In consideration of the absence of any mention of the meeting house in the conveyance to Col. Noble in 1733, and that it stood in the midst of his mowing field, and that he gave liberty for horse and footmen to pass along his private way, to and from it, I think it is a reasonable conclusion that the meeting house was built largely by his interest and exertion—assisted, of course, by the neighboring settlers on both sides of the river, which was the highway for those coming from a distance.

The probability is, that the Presbyterians at Georgetown finally discontinued their services at Pleasant Cove, and went to Long Reach to hear Robert Gutch, of the same denomination, who went there in about 1766 (Me. Hist. Coll., Vol. II, p. 205). His was probably the same name now spelled "Gooch." It is also a reasonable supposition that Judge Lithgow, who succeeded Col. Noble at Pleasant Cove, in his intimate relations with Gov. Shirley, who was a warm Episcopalian, and in his long employment by the government, had come to have a preference for the services of the Church of England, and, after his removal from Fort Halifax to Georgetown, he united with others in establishing Episcopal services in the old Presbyterian

of Col. Noble at Pleasant Cove, three-fourths of a mile below Winnegance Creek. On North's plan, made for the Plymouth Company, in 1751, "Col. Noble's house," of two stories, with something like watch boxes at the corners, is distinctly marked

meeting house on his farm. Rev. Mr. Wheeler, who was missionary of the English Church at Georgetown, in 1768, according to a letter of his to Rev. Mr. Bailey, resided a while in the family of Judge Lithgow. If this supposition is correct, probably the Episcopal Church mentioned by Mr. Wheeler was never finished as such, but was removed, or used for other purposes, which would account for the lack of any tradition of its situation.

Except the church built by Popham's Colony in 1607, mentioned by Strachey (he says, "October 6th, they built fifty houses therein (the fort) and a church"), the Presbyterian church at Pleasant Cove was the first Protestant house of worship erected on the Kennebec. Mrs. Morse, widow of William Morse, who died in 1872, aged ninety-two, and who was a tenant or employée under Judge Lithgow, and who finally purchased the farm, pointed out to me, in 1877, the site of the old meeting house and described the building and the graveyard adjoining. It was standing long after she went there. She described it as a building of good height and proportions, with a double floor but no pews. It was finally used as a barn until a part of it blew down in a gale, killing a domestic animal in the barnyard, when it was taken down and some of the large timber was used to support the floor in a new barn near. At my request, she pointed out to me the end of what had been a cross-beam supporting the roof of the meeting-house. As good evidence of the place it occupied in the original building, it was planed and had on the two lower edges ornamental beading, which Mrs. Morse said all the cross-beams had, and that this was the only ornamental finish of the interior. The dimensions of this beam were fourteen by twelve inches. At the time of the building of this church, and long after, all timber of public buildings was dressed and beaded. According to the books of the Plymouth Company, in 1761, Gershom Flagg was paid for eight hands two days, "planing and beading timber" for the town house at Pownalborough. The timber in the old court house at the same place has the same finish. With a saw, I obtained a block, showing the beading, from the remaining cross-beam of this relic of the old meeting house, which I have deposited in the cabinet of the Maine Historical Society. But there is none remaining of the "foot and horsemen" who reverently "passed and re-passed to and from" this ancient house of worship.

at about half a mile below the bend of the river, at Fiddler's Reach, and one-eighth of a mile from the shore, although this plan was made five years after his death. The cellar of the house, with foundations yet in place, with the broken bricks of the chimney, are yet pointed out. Its location on the high bank gave it a commanding view of the river for a long distance. Judge Lithgow probably occupied it after he left Fort Halifax, until he erected his spacious house in 1766, which stood higher up the slope and west of Col. Noble's house.

The descendants of Col. Noble have a tradition that he was born at Enniskillen, County of Fermanagh, and Province of Ulster, Ireland, and that the family emigrated to that place from Scotland. Arthur Noble is supposed to have come to America in about 1720, with his brothers Francis and James. There is a tradition that Robert Lithgow, a Scotchman, came with them.

Robert Temple, a descendant of Sir John Temple, of Stanton-Bury, England, came to Boston in 1717, with Capt. James Luzmore, of Topsham, Eng. He visited the Kennebec in company with some of the proprietors of the Kennebec purchase, and obtained a grant of land on the west shore above Bath, with the intention of establishing a colony there. In 1718 he chartered two ships, and others during the following years, to bring protestant families from Ireland to settle his patent. Lovewell's war, in 1722, broke up the settlement for a time.* It seems to me very proba-

* Copy of a letter from Capt. Penhallow to the Governor of Massachusetts Colony.

“GEORGETOWN, June 15, 1722.

“About 5 of ye clock in the afternoon.

“*May it please your Excellency:* The common calamity of this part of the country is such that the people on the river and Merrymeeting Bay are all flying for shelter, and that no arguments can persuade them to keep their houses, at least for the present. The Indians began their hostilities upon

ble that the Nobles, Lithgows and Malcoms came over in the interest of Robert Temple, and in one of his ships. In his will, executed only a few days before he sailed on his disastrous expedition, Col. Noble appointed his "good friend Capt. Robert Temple," one of his executors, which lends strength to the supposition.

Arthur Noble, of Georgetown, was commissioned as Lieut.-Colonel of Col. Waldo's regiment (Col. Waldo acting as Brigadier General) for the expedition to Louisburg. His commission by Gov. Shirley, as Lieut.-Colonel of the Second Massachusetts Regiment, and also as Captain of the 2d Company, are dated Feb. 5, 1745, ten days only after the passage of the act. I find that the commander of each regiment under Gen. Pepperell, was

nine or ten families, and took such a number of 'em as they thought fit. They used 'em very barbarously—burning their houses at midnight, hauling 'em out of bed by the hair, and striped 'em of whatever was valuable. Those they gave liberty to go away, they left hardly anything to cover them. About thirty people they have already treated thus. Yesterday morning they killed ten oxen belonging to Mr. Alexander Hamilton and Broens, and some others of their cattle, and carried away only the fat of their inwards. They make great spoil of cattle, and let their flesh lye on the ground.

"They have burnt Mr. Temple's house at the chops of the bay, and killed some of his cattle—cut all the canoes to pieces that they met with there. In short, they have done what they pleased in Merrymeeting Bay and upon this river, and have endeavored for some days (which we have since discovered) of surprising the whale boats that meet in Merrymeeting Bay to give intelligences from place to place, and to discover the Indians. The boats had parted but a few hours before they began their hostilities upon the inhabitants. I trust your Excellency has express by land of this matter, so that I have only to enclose a letter I received from one of the captives by one of the subscribers they set at liberty.

"We shall keep on our cruises with the whale boats; am also sending out about twenty men in two or three boats, to save what cattle the Indians had left perishing on the ground.

"I am your Excellency's most dutiful, obedient and humble servant,

"Z. PENHALLOW."

also a Captain of a company in his regiment. The French city of Louisburg, on the Island of Cape Breton, was the strongest fortification on the continent, and was particularly obnoxious to the people of the New England Colonies, as it was a refuge for the French cruisers, who very much annoyed their fishing vessels, and the expedition for its reduction was entered into with much spirit, although the project was unpopular in the General Court, when first proposed, but finally the act passed. Governor Shirley's orders to Gen. Pepperell showed a lack of knowledge or experience in military affairs. After a rendezvous at Canso, and the building of a battery and block-house there, the fleet, consisting of one hundred sail of all sizes, were directed to proceed to "Cabarras Bay," within three miles of Louisburg; all to arrive in the evening,—to anchor in a prescribed form, in an unexplored bay, in the darkness; to land the troops forthwith through the surf, and march these three miles through the woods, and to cross a bog, pull down pickets, and mount the walls of a well garrisoned fortress, thirty feet high, (for such was the City of Louisburg) with scaling ladders, which proved to have been made ten feet too short—all this in one night.

Belknap, after giving a very full synopsis of Shirley's orders to Pepperell, adds: "Such was the plan for the reduction of a regularly constructed fortress, drawn by a lawyer, to be executed by a merchant, at the head of a body of husbandmen and mechanics, animated, indeed, by ardent patriotism, but destitute of professional skill."

Gen. Pepperell's business establishment, at Kittery Point, made him known and popular throughout New England. To this fact he owed this opportunity to show his talent as a military commander. He hesitated about accepting the appointment until Gov. Shirley assured him that his influence

and reputation were indispensable in the enlistment of the men and the success of the expedition, although he had never been in active military service.* Col. Noble was undoubtedly selected to command the eastern regiment for the same cause. It adds much to the brilliancy of the military achievements of the officers and men engaged in the French and Indian wars and of the Revolution, to know that they had homes of their own to protect, and were not mere soldiers by profession, nor simply adventurers. Col. Noble was known as a trader on Arrowsic Island, and a farmer and large land holder at Pleasant Cove, opposite; to which place he undoubtedly transferred his trading establishment, supplying the neighboring settlers and the Indians on the river, and receiving their furs in return.† This business made him known, and we may safely

*The following note was sent from Boston to Gen. Pepperell, while he was at Louisburg, and was found among his papers:—"You were made general, being a popular man—most likely to raise soldiers soonest. The expedition was calculated to establish Sh——, and make his creature W. governor of Cape Breton, which is to be a place of refuge from his creditors. Beware of snakes in the grass, and mark their hissing."

In his life of Pepperell, Parsons says:—"After his (Pepperell's) nomination, Governor Shirley, probably for the purpose of paying Governor Wentworth, of New Hampshire, an empty compliment, and perhaps enlisting him more heartily in the cause, addressed him a letter in which he says: 'It would have been an infinite satisfaction to me, and done great honor to the expedition, if your limbs would have permitted you to take the chief command,' undoubtedly supposing that the Governor's gout would make such a proposition safe. But in this he was mistaken. Wentworth flung away his crutches and offered his services, and Shirley had the mortification not only to make an apology, but to tell him that any change in the command would hazard the expedition."

† Col. Noble probably had a tannery, and manufactured the leather into shoes to supply his customers, as I find in Capt. Minot's account book, who was provincial truckmaster at Fort Richmond, he is charged in 1740 with raw hides and is credited with invoices of shoes. The vats of a tannery last many years after they are out of use. I have no doubt vats might now be discovered at the landing in the cove.

conclude that his reputation was good, from his appointment to the command of the regiment, the limits of which extended to Saco, as such an officer was necessary for the rapid filling up of the regiment of 1,000 men, which was completed within eight weeks from the passage of the Act of the General Court authorizing it.

This act was passed on the twenty-sixth of January by a single vote, and, as previously stated, Col. Noble's commissions are dated February 5th, only ten days after, showing that public opinion pointed unmistakably to him as the right man for the command of the eastern regiment.

Col. Waldo, although his family resided in Boston, was a large landholder, not only on the Penobscot but in Falmouth, where he spent a large part of his time. In historical works of the period he is often mentioned as of Falmouth. His son Samuel was representative from that town to the General Court, and undoubtedly assisted in the passage of the unpopular act authorizing the expedition. When Col. Waldo, who was a warm friend of Gov. Shirley, was promoted to be a Brigadier General in the expedition, he probably had the nomination of his Lieut.-Colonel, and selected Col. Noble, whom we have seen by Westbrook's deed to McLenichon was styled Lieutenant. But I find no mention of him in any previous military service. He was probably only a Lieutenant of militia.

Col. Noble had a son James, of the age of about seventeen years, who was commissioned February 8, 1745, as a "Lieutenant of the second company of the Second Regiment of the Massachusetts line, bound for Louisburg." This was the company of which his father was Captain and of which the son undoubtedly had the command. Lieutenant Noble died at Louisburg, of a fever, September 26, 1746, aged 18.* With-

* Boston News Letter, Oct. 17, 1746.

in fifty-six days, the Provincial forces were raised and the entire preparations completed. The whole of the troops numbered 4,300, of whom about one-fourth were under the command of Col. Noble. The only aid from Provinces out of New England was the loan of ten cannon by New York, and some contributions of provisions by New Jersey and Pennsylvania. Some of the armed vessels sailed as early as the middle of March, to cut off any of the enemy's ships that should attempt to enter Louisburg. The Massachusetts troops sailed from Nantasket Roads on the twenty-fourth of March, and stopped three days at Sheepscott, from whence General Pepperell sent his first despatch to Governor Shirley.* The fleet arrived at Canso, the place of general rendezvous on the first of April. The New Hampshire troops were already there, and those from Connecticut came ten days after. The transports, carrying the army, sailed from Canso, where they had been fortifying and waiting for the ice to leave the shore, on the twenty-ninth of April, intending to arrive at Cabarras Bay in the evening, as directed by Governor Shirley's orders, but they did not enter the bay until the next morning. So well had the secret of the expedition been kept, that its arrival there was the first intimation to the garrison of the intended attack. Of course, Governor Shirley's instructions could not be carried out. Instead of landing the 4,300 men and storming the city in one night, the army was not all got on shore until the third day after their arrival.

* It is dated on board the Shirley galley, Sheepscott River, March 27, 1745. It says, "Accidents delayed the fleet at Boston until the twenty-third, when the fleet all sailed from Boston, and bad weather drove them into Sheepscott," from whence they sailed on the thirtieth of the same month. [Vol. 1, Mass. Hist. Collections.] Many of Col. Noble's men were from Kennebec and Sheepscott, and undoubtedly, during the three days while the fleet were wind-bound, were allowed to visit their families, Col. Noble taking the same opportunity to visit "Pleasant Cove."

We cannot follow the besiegers through their hardships of dragging cannon across the morass in the night, on huge sleds, to prevent their sinking; their attacks and repulses; their sufferings from cold and wet for want of suitable shelter, which caused much sickness. To Governor Shirley, Pepperell wrote two weeks before the surrender, "we have one thousand five hundred men sick." The frequent bursting of their largest guns and their only large mortar,* their want of experienced gunners—but it is sufficient for my purpose to say that by a vigorous siege, which was pressed with enthusiasm for forty-seven days, the garrison was forced to capitulate on the seventeenth of June, by which 2,000 soldiers, besides the other inhabitants of the city, and seventy-six cannon and mortars, fell into the hands of the provincials, with other property to an immense amount. The loss to the victors was 130 men, and of the French 300 were killed within the walls.

Mrs. Hunt, the wife of Col. F. E. Hunt, of the army, is a great-granddaughter of Col. Noble. She writes from Kansas that she has an order to Col. Noble, in the handwriting of his commanding officer, Brigadier General Samuel Waldo, directing him to take a detachment of troops and storm the Island battery.† This Island battery was a great source of annoyance to the besiegers, preventing the ships from entering the harbor.

On the twenty-eighth of May, Gen. Pepperell received a letter from Commodore Warren, the Commander of the fleet, in which

* On the second of June, Gen. Pepperell sent a vessel with a despatch to Gov. Shirley at Boston, saying: "Our large mortar is burst, and also another 42-pounder in the advance battery. I beg for the large mortar in the castle (William—now Fort Independence), with a good bed for it."

† Copy of an order from Brigadier General Samuel Waldo to Lieut.-Colonel Arthur Noble, during the siege of Louisburg. The original order is in the possession of Col. F. E. Hunt, U. S. Army, given him by George Noble, youngest son of Arthur Noble, Jr., whose daughter is the wife of Col. Hunt.

he pettishly asks: "Pray how came the Island battery not to be attacked?. Please let me know." On the same day, Pepperell replied to Warren thus: "In answer to yours of the twenty-sixth, I beg leave to represent that it is now the twenty-ninth

There was, a few years ago, a letter in the family from Gen. Waldo to Col. Noble, commending his bravery in the execution of the order.

[COPY.]

ROYAL BATTERY OF CAPE BRETON,

23d of May, 1745.

DEAR COLONEL:—Agreeable to general orders, you are to take upon you the command of the detachment drawn out of several regiments for the attack of the Island battery, and proceed with them accordingly at ten of the clock this evening, or as soon after as possible. Before you put off your boats, I expect an officer from Commodore Warren, who commands about two hundred seamen, will be with you, and with him you'll concert the proper measures for joining your and his forces and carrying on the attack with the utmost vigor and security to your and his men, and to prevent the enemy from damaging your boats. The officers and their men are strictly to observe your orders, and be it at their peril who refuse. Counter-sign to be *King George forever*. May God succeed you in this enterprise what will, in all probability, put a happy issue to the siege, and be for the honour of His Majesty's arms, the great good of his American dominions, and your own reputation; and I doubt not, to your future satisfaction and benefit.

I am, dear Sir, your most assured friend and humble servant,

Lieut.-Colonel NOBLE.

S. WALDO.

In the Massachusetts archives are two rolls of volunteers to assist in the attack on the Island battery. They were found among Gen. Waldo's papers. The following are the conditions at the head of the list:

"Cape Breton, May 24," 1745 (one day after the date of Gen. Waldo's instructions). "We the subscribers do hereby voluntarily enlist ourselves into His Majesty's service, to be under the command of Capt. Daniel Bacon, to go upon an attack against the Island battery."

The other list is similarly headed, except the provision that "Beamsly Glazier is to be our Captain on said attack, and then we shall be ready at half an hour's warning."

The roll of Col. Noble's regiment is not to be found.

day since the army invested Louisburg and drove in the inhabitants; * * that in this time we have made five unsuccessful attempts upon the Island battery, in the last of which we lost 189 men and many of our boats." Warren's letter to Pepperell was written three days after the time fixed in the order for Col. Noble's attack. This, probably, was the "last one" mentioned by Gen. Pepperell. The loss of 189 men shows how persistent was the onset. It was only justice that prompted Gen. Waldo to commend the bravery of Col. Noble and his troops. The troublesome Island battery held out until the last, and was only surrendered with the city.

The Provincial troops were detained at Louisburg as a garrison, contrary to promises at enlistment. They remained what they thought a reasonable time to be relieved, and then asked to be returned to their homes, as they were farmers and without their help the necessary planting could not be done. To quiet them until regular troops could be sent to take their place, in the autumn of 1745, Admiral Warren sent the *Hector* man-of-war to Boston, in which Governor Shirley embarked for Louisburg, at the request of the House of Representatives. By increasing the men's wages from twenty-five shillings to forty shillings per month, they remained quiet until the Spring of 1746, when two regiments from Gibraltar arrived at Louisburg, and the Provincial troops returned to their homes, and with them, undoubtedly, Col. Noble.* This was his first campaign. So many men being detained from their farms to garrison Louisburg, until late in the season, there were not provisions enough raised to supply the demand, and throughout New

* The History of Roxbury says that the soldiers from Louisburg, to show their respect for Governor Shirley, on their arrival voluntarily performed a great labor in leveling his lawn at his residence in that town.

England the prices in the next winter became unprecedentedly high.

From a petition to the government of the Province, signed by Col. Noble,* probably immediately after his return from Louisburg, it seems he had built a garrison on his farm some years previous, for the protection of the neighboring settlers, which had been manned by soldiers in the employ of the Province.

With the records of the Plymouth company, in the library of the Maine Historical Society, is a small engraved map of the Kennebec River, from the sea to Norridgewock. There is no

*Petition to Governor Shirley, the Council and House of Representatives, 1746:

"The petition of Job Lewis and Arthur Noble humbly sheweth, That your petitioners, at their great expense, have built good defensible garrisons; one situated at the Chops of Merrymeeting Bay, so as to command the entrance to said Bay, and the river of Kennebec, in the high road of the Indians from Norridgewock, and of public benefit in order to curb and restrain the enemy. The other situate in Georgetown, near the meeting house, so as to be a great cover to the inhabitants of said town. That your Excellency and Honors, out of your great goodness in compassion to the exposed state of said settlements on said river, were pleased to allow a complement of men to be posted there for the defence of said places, which, with the highest gratitude, we would acknowledge, as an instance of your paternal care, and to which was owing the continuance of said inhabitants. That since the declaration of war with the Indians (August, 1745), these men have been withdrawn, and said places are left exposed a prey to the enemy; and the season of the year is advancing for planting and so forth, which it is impossible for said inhabitants to do anything towards raising bread for their subsistence, unless some protection be afforded to said places as shall in your great wisdom seem meet, and may be consistent with His Excellency's pleasure, so that the inhabitants may be encouraged to follow their husbandry in the season of it."

(Signed,) JOB LEWIS,
ARTHUR NOBLE.

Endorsed on the back 1746. No month is mentioned, but the petition says "The season of the year is advancing for planting."

date of its publication, but it gives the dates of the surveys from which it is copied, the last of which is 1752. It was evidently prepared for the Plymouth Company. Its authenticity is attested to by Thomas Johnson. I am enabled to fix the date of its preparation by the books of the Treasurer of the Company, where is this item :

“Kennebec Purchase to James Bowdoin, Dr.

“1754, Nov. 17. Paid Thomas Johnson, for copper plates
to engrave the plan* on, 4 pounds.”

Col. Noble's fort is prominent on this map. It is represented of two stories with a watch box on the conical roof, and with a flag flying over all. Job Lewis, the other signer of the petition, was a resident of Boston, and a member of the Pejepscot Company. He also had a house at the ancient town of “Augusta,” at Small Point Harbor. His fort was on the eastern shore of Merrymeeting Bay, where the Kennebec enters. It is marked “Lewis' F” on the engraved plan.

These memoranda show that Col. Noble was the foremost man of his neighborhood, and had been looked to for protection years before he went to Louisburg. He was one of the board of five Selectmen at *the organization of the town of Georgetown, in 1735.*

The loss of Louisburg awakened the French nation to a sense of the danger of losing Canada also, that fortress being the key to the St. Lawrence. The most powerful fleet that had ever

* This plan is fairly engraved, on a scale of eight miles to an inch, and its title is enclosed by ornamental scroll work. In the foreground of a landscape stand the figures of two Indians with uncovered heads—one holds a war-club and the other a musket. But, as if in irony, the engraver has made scrolls leading from their mouths. On one is engraved the sentence “God hath placed us here.” The other figure is in the act of a significant gesture, and is saying, “God decreed this land to us.”

been sent to North America, sailed from Brest for Cape Breton and Nova Scotia. It consisted of seventy sail, eleven of which were ships of the line, with twenty frigates, and 3,000 disciplined troops, and immense quantities of ammunition, cannon and military stores. This whole force was placed under the command of the Duke De Anville, a nobleman of great experience and ability. He was ordered to retake and dismantle Louisburg; he was then to proceed against Annapolis, which he was to take and garrison. He was next to destroy Boston and range along the whole coast, and finally visit the West Indies.

The news of the sailing of this fleet caused great consternation throughout the coast towns of New England, especially in Boston. The castle was strengthened, and new batteries built. One was placed on the end of Long Wharf, for the defence of the town, while large bodies of militia came from the country for the same purpose.*

The passage of the French fleet to America was unprecedentedly long, and on the first of September they experienced a very severe storm, in which several of the ships foundered. After a passage of more than ninety days, the fleet arrived at Chebucto, now Halifax, too late to refit and execute any part of the designed conquest that season. The troops had suffered much during the long voyage with sickness, and large numbers had died.

The Commander of this once powerful armament was so much affected by the disappointment that he died on the fourth day after arrival, of apoplexy; the English say, of poison.

The misfortunes of the fleet and the death of De Anville so depressed the Vice Admiral that he was thrown into a delirious fever, and in one of his paroxysms he ran his sword through his

* Douglas says 6,400 men, well armed, appeared on Boston Common to oppose De Anville.

body and immediately expired. The fleet and army then went into winter quarters, at Bedford Basin, but still suffered from sickness, although they were supplied with fresh provisions by the Acadians.

It was decided to abandon the conquest of Louisburg, but to attack Annapolis in the spring, and a force of French and Indians was sent from Canada to Minas to co-operate with the fleet. Soon after the fleet sailed from Chebucto, in the spring of 1746, for Annapolis, it was overtaken off Cape Sable by another violent storm, which so much weakened it that it was decided to abandon the enterprise and return to France.

The failure of this powerful armament was looked upon by the colonies as a peculiar intervention of Divine Providence in their favor, and a general thanksgiving was proclaimed in Massachusetts, and some of the sermons preached by the clergy on that occasion have come down to us in print.

Governor Mascarene, of Nova Scotia, the inhabitants of which at that time were all Acadians, except the English garrison of Annapolis, made frequent representations of the state of the Province to Governor Shirley, of Massachusetts, who had the principal care of Nova Scotia, Col. Mascarene being Lieut.-Governor under him. He represented that 1,000 men, in addition to the three companies then in garrison at Annapolis, would be sufficient to dislodge the Canadian force under De Ramzay; and that, by quartering the New England forces among the Acadian inhabitants, they would eat out their substance, which would leave the country destitute of the means to feed an enemy, and that their presence and intercourse with the Acadians would have a good effect in confirming them in their allegiance. This was nine years previous to the forcible removal of the Acadians from the Province.

Upon these assurances of Gov. Mascarene, the Massachusetts

House of Representatives voted to raise 500 men, Rhode Island 300 and New Hampshire 200 men, for this service. To command this thousand men, Col. Noble was selected, having remained at home only a few months after his arrival with his regiment from Louisburg. By his appointment to the command of this expedition, we are assured that, by his conduct at the siege of Louisburg, he had shown that he was the best qualified, all things being considered, of all the officers in the Province for this service. If, for the Louisburg expedition, it was necessary to have a popular commander to draw men to his standard, it was doubly so now, as the best soldiers of the Provinces had but just returned from Cape Breton, where they had been detained many months more than was stipulated at their enlistment. We find that most of the officers of the Nova Scotia expedition had been in that for the reduction of Louisburg, which makes it probable that most of the soldiers had seen service there also. During the summer, there had been enlistments for an expedition against Canada, and Rev. Thomas Smith, of Falmouth, in his journal, thus notices the progress: "June 20, 1746. The expedition to Canada goes on in this Province but slowly; our people being dispirited on account of the sickness and their unfair treatment at Cape Breton."

Yet Col. Noble filled up *his* rolls, although it was for a winter campaign in Nova Scotia. His will was executed in Boston on the twenty-second day of November, 1746. In the commencement he says, "being bound on an expedition against the enemys of the King of Britain." It must have been nearly December when his transports sailed.

At this season of the year the Bay of Fundy is filled with floating ice, which is driven up and down by the tide and wind, which makes the navigation very dangerous. The disasters which befel some of the transports from the other provinces,

show the inclemency of the weather at the time. At this time there were no lighthouses, fog bells, or even a beacon of any kind, on the east shore of the Bay. Even now, with all the modern safeguards to navigation, the contractors to carry the mails between St. John, N. B., and Annapolis, Nova Scotia, to insure any regularity after September, in crossing the Bay of Fundy, were compelled to purchase in England a powerful steamer, constructed of plates of steel, and having all her machinery under deck. This vessel was built to run across the British Channel from Dover to Calais, and in answer to my enquiry as to her sea-going qualities, her commander said that "if she rolled over, she was always sure to come right side up at last."

These are the waters which Col. Noble was expected to navigate in December, with his small vessels crowded with soldiers. The vessels carrying the Rhode Island men were shipwrecked near Martha's Vineyard. One New Hampshire vessel, a sloop, arrived in Annapolis Basin, but did not land her troops; she ran out again in search of her consort, and meeting a French snow or brig near St. John, mistook her for the transport, and sent a boat with eight men on board, which were made prisoners; and the sloop, instead of returning to Annapolis, sailed for Portsmouth.

Col. Noble, with 470 men from Massachusetts, arrived at Annapolis. Capt. Thomas Perkins, who was at Louisburg with Col. Noble, sailed from Cape Neddick for Annapolis with his company, and was shipwrecked at Mount Desert, losing a large part of his force. On learning of Col. Noble's arrival at Annapolis, De Ramzay fled from Minas to Schegneeto. After waiting a while for Capt. Perkins' arrival, Gov. Mascarene detached Capt. Howe, with a small number of men from the garrison, to join Col. Noble, and this small part of the intended

number sailed for Minas. Not being able to reach Minas by water, and there being no harbor on the eastern shore, Col. Noble landed his force in the wilderness on the fourth of December. The point of landing is now unknown; but it is said to have been twelve leagues north-west from Minas. Each man was furnished with fourteen days' provisions, which he carried on his back, and, with musket and ammunition, they started for Minas. The snow was very deep, and the tradition at Minas is, that they had no snow-shoes; but I think this is not true, as snow-shoes are mentioned after their arrival at Minas, as we shall see.

To reach their destination they were obliged to immediately ascend and pass diagonally over the "North Mountain," through a dense forest, without a track or guide, or a tent for shelter.

The North Mountain is a ridge of land which would not be called a mountain in New Hampshire. It reaches from the south end of Digby Neck, which separates St. Mary's Bay from the ocean, to Cape Blomidon, at the Basin of Minas, about 120 miles. The only passage through this ridge is what British surveyors call "St. George's Channel," but the sailors call it "Digby Gut." This passage is about half a mile wide, with steep precipices on each side, reaching to the top of the mountain, and seems to have been formed by some convulsion of nature. On the south shore is now a light-house and fog-bell, which, from the continual fogs at certain seasons, are very useful in directing the mail steamer from St. John to this entrance to Annapolis Basin, which is eighteen miles long, and separated from the Bay of Fundy by the North Mountain, which effectually shuts out the bay fog from Annapolis valley, making the temperature in summer from ten to fifteen degrees warmer than on the bay shore, three or four miles distant over the mountain. This valley, for seventy miles to the Basin of Minas, is very

fertile, abounding in meadows formed by diking out the sea water.

In eight days from the time of landing, Col. Noble arrived at Grand Pré, a village of the Acadian settlement of Minas, having marched about forty miles diagonally over a mountain range, and through a trackless wilderness. Of the fatigue and suffering of this winter march, no authentic account has come down to us.

By the following extract of a letter written by Lieut.-Governor Mascarene, I find that a small force had been sent to occupy Minas immediately after De Ramzay, with his force of Canadians and Indians, had retreated to Schegnecto, now Cumberland. The letter is dated Annapolis Royal, twenty-third of January, 1746.

“The deputies of Minas came down in the mean time to acquaint me with the departure of the Canadians, telling me that their commander, Mons. De Ramzay, on hearing of the preparation to go and attack him, summoned the inhabitants, to know their intentions, and tried to persuade them to join with him to repel the force coming against Minas; but, finding that his persuasions could not prevail, and that the inhabitants declared they would stand to the oath of fidelity they had taken to the King of Great Britain, he embarked his provisions, ammunition and men on board four vessels, one of them being a Snow, of 14 guns, and retired to Chignecto. There had been a notion spread amongst the French inhabitants of this province, that a great force was coming from New England to transport or destroy them, on which chiefly Mr. Ramzay founded his hopes of their revolt; but Gov. Shirley having sent a letter directed to me, and whereof he caused many copies to be printed in French, at Boston, I immediately distributed them, and thereby prevented any mischiefs occurring from that notion, and defeated the hopes Mr. Ramzay might have from it; the inhabitants, from that letter, being assured that the

forces did not come with any such intent; and experience has since convinced 'em; for in the two months they have now been at Minas, these troops have kept orderly, and have caused little or no complaint to the inhabitants."

The two months mentioned that the troops had been at Minas, must have commenced on the twenty-third of November, and the troops under Col. Noble did not arrive there until the twelfth of December. Undoubtedly the troops mentioned by Governor Mascarene were a part of the three companies previously sent from Massachusetts to Annapolis. The stone house hereafter mentioned as the guard-house, was probably the headquarters of this force, which had been sent from Annapolis as soon as Governor Mascarene learned that De Ramzay had left Minas. It must have been sent there by the way of the Bay of Fundy, as they had several small cannon which could not have been transported overland from Annapolis. Col. Noble's transports must have worked their way to Minas after he left them, or those that carried the previous detachment remained, as "their vessels" are mentioned in the account of the battle.

The "Boston Post Boy," of Monday, February 16, 1747, contains the following:

"Boston. On the eighth instant, arrived here from Annapolis Royal, the Rev. Mr. Wm. McClenachan, Chaplain to Brigadier General Waldo's Regiment, who contradicts the common report we have had in town, of the death of several officers and many of our soldiers at Annapolis; but informs us of the death of Lieut. Spencer Phips, son of his Honor, our Lieut-Governor, a gentleman who was loved and admired both by his brother officers, and the soldiers under his command, and his death is much lamented by all; that all the rest of the officers belonging to Brigadier General Waldo's Regiment are alive and well; and but a few of the pri-

vate soldiers dead. That our forces marched from Annapolis to Minas the beginning of last December, and were received in the most affectionate manner; and that the inhabitants of that place provided plentifully for them. That Mons. Ramzay, with a small number of French and Indians, being much affrighted, fled from Minas as soon as he heard of the arrival of our forces at Annapolis. That all our army at Minas are healthy and in high spirits, no distemper nor sickness raging amongst them. That Col. Noble, who is Commander-in-Chief of that detachment, has determined to pursue the Monsieur, and will doubtless soon have the pleasure of conversing with him, and prevent his return to Canada."

Two days before the action happened at Minas, Col. Noble wrote as follows :

" GRAND PRE, AT MINAS, Jan. 28, 1746.

"I have no account yet of Capt. Perkins and an hundred men from the County of York, nor of three companies from Rhode Island; if we are so lucky as to have those troops arrive, then it may enable our proceeding to Chignecto, and to distress and drive the enemy from thence, as also to keep the inhabitants there in due obedience to his Majesty. I am informed that it is impracticable to march from hence by land to Chignecto this season; but had I had the number of seven or eight hundred effective men, I should have proceeded there before this time. The number of troops, which Governor Shirley intended to have ranged this country, had we been so happy as that they had all arrived in due season, it is my opinion that we should have been able to have destroyed or distressed most if not all the French and Indian enemy, as we should have had strength enough to drive the enemy from among the inhabitants into the wilderness, and this hard winter they must have either perished or surrendered themselves prisoners. Major Philips, Quarter-Master to the several detachments sent here, has with all possible activity and industry quartered the troops in the best manner, as also obliged the inhabitants

to furnish provisions for 'em. I keep detachments daily on the scout to the neighboring villages round this place. Lieut. Lechmere is dangerously ill of a fever; the other officers here are all well, and the men, save about ten, and I hope not above two or three of 'em are dangerous. The King's service requires Major Philips home, and Capt. How is come to supply his place, to manage civil affairs with the inhabitants, who behave with courtesy, but say we shall eat them up."

The mention in this letter, of "Major Philips as Quarter-Master of the several detachments" sent there, is further proof that one detachment, at least, had preceded Col. Noble to Minas, and the Quarter-Master had billeted the troops among the inhabitants as directed by Governor Mascarene, to consume their provisions, so that there would be none left to support the enemy if they should come after Col. Noble had left. The newspaper account, as we shall see, says "they were quartered there, in the houses that lay scattered about a mile and a half's distance from one end to the other."

In Col. Noble's letter just quoted, he says: "I am informed that it is impracticable to march from hence by land to Schegnecto this season." Of course, if it was impracticable for Col. Noble, it was considered equally so for De Ramzay with his force. From the officers who had been there before him, he must have obtained his information, so that Col. Noble's military reputation will not suffer from the careless manner in which his troops were quartered, as it was so done by order of Governor Mascarene, who was a Lieut.-Colonel in the British Army. Major Philips, the Quarter-Master, had been there two months, and knew of the coming of Col. Noble with his force, and of course had the arrangements for billeting the troops on the Acadians all completed previous to their arrival.

Col. Noble does not seem to have been to blame for any lack

of foresight in posting pickets. The officers who were there before him would be expected to attend to that. Col. Noble says in the same letter: "I keep detachments daily on the scout to the several neighboring villages round this place."

Before we condemn Major Philips and the other officers from whom Col. Noble obtained his information as to his safety, let us examine the situation. The Basin of Minas, which is filled and half emptied at each tide, by the waters rushing through the Bay of Fundy, is fifteen miles wide at Cape Blomidon, and thirty miles long from east to west. This Basin is the reservoir into which empty nineteen distinct rivers, and at Schegnecto, at spring tides, the rise and fall is seventy feet. With the large volume of water from these nineteen rivers, and the monstrous fall of the tide, which discharges itself into the ocean through the Bay of Fundy, one hundred and fifty miles distant, of course the current at half tide is fearful. The great fall loosens any ice that has formed at the mouths of these rivers on top of the tide, and these ice floes are continually growing heavier from the excessive cold while being driven up and down the bay, for they hardly reach the ocean with a fair wind when they meet the flood and are forced back to the starting point. Can we wonder that the officers at Minas considered themselves safe from an attack by water from an enemy on the opposite shore of the Basin? And for the enemy to reach Minas by land, he must march round the head of the Basin, and cross each river far enough from its mouth to find solid ice, which would make the circuit one hundred and twenty miles at least, over snow from two to three feet deep, and of course without shelter in any weather. Shall we blame these officers for their conviction of security, and in a driving snow storm of thirty hours continuance?

But the shock came, and to learn how those fearless men met

it, I will give the account from the Boston Weekly Post Boy, of Monday, March 2, 1747.

“Boston.—On Thursday night last, Capt. Benjamin Goldthwait arrived here express in the Ordnance packet from Annapolis Royal, with the following advices :

“That on Saturday, the thirty-first of January, before daylight, a party of Canadians, French inhabitants of the Island of St. John’s in Bay Verte [this is now “Prince Edward’s” Island] and some of the inhabitants of Schegnecto, between five and six hundred in all, having made a march of three weeks from Schegnecto in the excessive severity of the late season, and when the roads were thought impassable, arrived at Grand Pré in Minas, and surprised the detachment of our troops, consisting of about five hundred, under the command of the late Col. Noble, which were quartered in the houses there, that lay scattered about a mile and a half’s distance from one end to the other, and began their attack upon ’em about two o’clock in the same morning, by surrounding almost every officer’s quarters within a few minutes of the same time, and, after killing the sentrys, rushing into several of the houses and destroying many in their beds, so that before day-light they had killed about seventy, and taken upwards of sixty prisoners, and wounded others ; among the former of which was Col. Noble, whose quarters were the first attacked, and who had the night before unfortunately moved the main guard from ’em to a stone house* in the town at a small distance, and after having received two wounds in his body, and *returned the enemy’s fire three times in his shirt*, was at last shot dead with a musket ball (which

* In Otis Little’s “State of Trade in the Northern Colonies, considered with an account of their produce, and a particular description of Nova Scotia,” London, 1748—Boston, 1749, this house is said to have been proof against small arms. “This is built,” he says, “on an eminence that commands a great part of the town, but being overlooked on three sides by high land, would be greatly exposed in case of an attack.” It was evidently written before Col. Noble’s expedition.

entered his forehead). His brother, Ensign Noble, who was likewise killed fighting in the same house, and Lieut. Jones (who, after a brave resistance, by which he had rid himself of some of the enemy, and in which he was much wounded), was at last run thro' the heart with a bayonet, as he was endeavoring to escape, and Lieuts. Lechmere and Pickering, who were both killed in their beds, where they had been confined several weeks by a dangerous sickness. However, during this attack, which continued from two in the morning 'till twelve at noon, the enemy was repulsed at several houses, and when it grew light, the remainder of our people getting together in a body, being then about 350, to the stone house where the main guard was kept, made so resolute a defence, that the enemy about twelve o'clock sent a flag of truce, desiring a surgeon might be sent to dress Capt. How, who was in their hands and very much wounded, and proposing a cessation of arms 'till the surgeon's return, which was agreed to, as was also the enemy's proposal, upon the return of the surgeon, to continue the cessation of arms until the next morning.

“Upon the first meeting of our troops at the main guard, it was proposed by 'em to issue out and attempt the recovery of Col. Noble's quarters and their vessels (which were also in the enemy's hands), where all their ammunition was lodged, except what each man had about him; but a snow storm of about thirty hours' continuance having happened just before the enemy's arrival, which had occasioned a very deep light snow upon the ground that had almost buried them and their arms, in their attempt to reach the main guard, and being able to muster up no more of their snowshoes than eighteen pair, the rest being on board their vessels, and the enemy (whose number they had then learnt) being all provided with them, it was impracticable for 'em to succeed in such an attempt, or to issue out of the stone house without the utmost risque of being cut off by the enemy; however, it was attempted, but they were forced to desist upon finding themselves plunged so deeply in the snow as to make their arms useless. Wherefore,

upon examining into their stores and ammunition, and finding that they had but eight charges of powder per man left, and as many rounds of ball, to defend themselves with in case of an attack after the cessation of arms should be expired, and not above one day's provision in bread, they judged it most advisable to accept of honorable terms from the enemy, which were most readily granted 'em; the substance of which we hear is as follows, viz: 'That they should have all their arms, accoutrements and clothing, with six days' provision, a pound of powder and a portion of ball for each man, and march out with their drums beating and colors flying, and to proceed to his Majesty's garrison, at Annapolis Royal, without molestation; that they should be restrained from taking up arms for six months in the Bay of Minas, or Schegnecto; that all the prisoners taken by the enemy before the capitulation should remain prisoners of war, among which are Capt. How, Capt. Doane, Lieut. Gerrish and Ensign Newton. Our men (to the number of fifty) who are sick and wounded, and not taken prisoners, to remain with the enemy, in order to be cared for at our charge, and sent back as fast as they recover.' After which our troops marched out accordingly from Minas, and are arrived and in perfect good health at Annapolis Royal.

"It must be confessed that this was a most bold and daring enterprise of the enemy, and which they can't be reasonably supposed to have undertaken without the most particular intelligence of the numbers, too great security and disposition of our troops, to whose quarters (especially those of the officers) they must have been conducted, and a dependence upon our want of intelligence and even receiving wrong information, which it is evident Col. Noble had received, concerning the impossibility of making a march between Minas and Schegnecto, at that season; but, notwithstanding these advantages, the enemy might probably have miscarried if the snow storm had not happened immediately before their arrival at the Grand Pré. However, we find it is agreed on all hands that our troops made a very resolute and brave defence under their

surprise (a public testimony of which is contained in the following letter of Lieut.-Governor Mascarene to 'em), and it seems certain, from the terms of capitulation, that their behavior made the enemy willing to part with them. This accident makes the miscarriage of the Rhode Island troops, and Capt. Perkins' company by shipwreck, and sickness, and the return home of the New Hampshire forces, the greater misfortune; all which, had they joined the detachment of the Massachusetts troops at Minas, would undoubtedly destroyed the enemy, or drove them out of Nova Scotia; but it is hoped it may still be retrieved by the spring.

"Of the enemy, upwards of twenty were killed and fifteen wounded. Among the latter was their commanding officer.

"Col. Noble's servant, who was in the house with him during the attack, says that the enemy, after he was wounded, called to him by name from without, telling him if he would come out they would give him quarter; but he refused, answering it that he should defend himself to the last."

Governor Mascarene dispatched the following letter to the defeated troops:

"ANNAPOLIS ROYAL, 7th of Feb., 1746.

"GENTLEMEN:—I have received the news of your misfortune at Minas, as one of those things to which we are liable in war. I am sorry for the number of men we have lost, but as from all hands I understand that you fought like brave men, I am the easier under this misfortune. I send Col. Gorham to receive you, and to acquaint you with what we have talkt over. I desire you will follow his directions. I hope to see you soon. I need not tell you to keep your people in heart, for I have this opinion of them, that I believe that every one of them would be glad to meet his enemy on even ground, and that it is nothing but the surprise that has given them any advantage over you. I am, gentlemen, your most humble servant,

P. MASCARENE.

"To the Commander and all other, the officers of the party returning from Minas."

From the Boston Post Boy, Monday, March 9, 1747.

"Thursday last a vessel arrived here from Annapolis Royal, by whom we have a more particular and favorable account of the late engagement between our troops and the French and Indians at Minas, than that published in our last paper, viz: that the number of our killed and prisoners did not amount to more than 100, and that 25 of our wounded men were recovered, and returned to Annapolis; the rest (about thirty) being at Minas under the care of a surgeon.

"On the French side, their commander, Capt. Caulin, and another officer were dangerously wounded, and three other officers, with forty men killed, besides several cart-loads wounded and carried off during the action. The enemy stayed but a few days at Minas, for having burnt one of the vessels, disabled the guns by knocking off the trunnions, and burnt the frame of a block-house, they withdrew the same way they came; so that 'tis plain they had very little to boast of, since they durst not stay to occupy the advantageous post they had taken. They returned nine or ten of our men who were prisoners of war, among whom is Ensign Newton of this town, who has arrived here, together with about seventy of our men who were in the capitulation.

"Several letters give great encomiums on the bravery of our men, both officers and soldiers; and we are well assured that the French were the first that desired a parley, and offered our people honorable terms if they would capitulate."

The French account of the battle of Minas, translated from the report to the French Government, for the N. E. His. and Gen. Register, by E. B. O'Calaghan, M. D., of Albany:

"Mr. De Ramezay being unable to march in consequence of a severe bruise he received on the knee in his (former) journey to Minas, the Canadian detachment of about 300 men, including French and Indians, set out on snow shoes from Beaubassin [now Lawrence] on the twenty-third of January, 1747, for Minas, under

the command of Capt. Coulon, for the purpose of driving off the English who had come to settle there. It arrived at Peguquet, [now Windsor] on the tenth of February. Capt. Coulon having reconnoitered the enemy's position, divided his force into ten subdivisions, so as to make a simultaneous attack on as many houses in which the enemy was quartered to the number of 500, instead of 250 as had been already reported. After marching all night, he found himself on the morning of the eleventh,* in a position to commence the attack, which he did. The enemy had sentinels at each house and kept good watch.

“Mr. De Coulon received, shortly after the first shock, a musket ball in his left arm, which obliged him to retire, from the loss of blood. The ten houses that were attacked were all carried, with the exception of only one, which had cannon, and which had been abandoned by the Micmacs, four of their men having been put *hors du combat* by the first fire. The command having devolved on Captain Chevalier de La Corne, he attacked and carried the house occupied by Col. Noble and his brother and Mr. How, member of the Council at Port Royal [Annapolis]. He remained in the house and prevented the approach of the enemy, whom he obliged to take refuge in a stone house in which they had some cannon. The firing had been unceasing from the commencement of the attack in the morning, until three o'clock in the afternoon, when it terminated. In this space of time, the enemy have had 130 men, including six officers,† killed on the spot, 34 wounded and 63 taken prisoners. On our side we have lost 6 men, viz: 3 Canadians, a farmer belonging to Port Tolouse, and two Micmacs; had 14 wounded, including Capt. de Coulon, and Cadet de Lursig-

*The discrepancy in the dates of the English and French accounts, is accounted for by the adoption of a new style, by Catholic countries, by order of Pope Gregory XIII, in 1582. It was not adopted by Great Britain until 1752, when eleven days were dropped from the calendar.

† Haliburton says they were Col. Noble, Lieutenants Lechmere, Jones and Pickering, and Ensign Noble. The name of the sixth does not appear.

nan. Capt. How being dangerously wounded, requested Capt. de La Corne to send for an English surgeon to staunch his wound, the French surgeon being at that time engaged in attendance on Mr. de Coulon. This occasioned sending hostages on our part, and a suspension of hostilities until the English surgeon was sent back. It was then that two English officers came out of the house and advanced with a French flag towards the house where Mr. de La Corne lay, who sent out to receive them. They proposed to him a cessation of hostilities until nine o'clock the following morning. He granted their request, but perceiving at an early hour the next day that they were leaving their houses and collecting the cattle, he sent to notify them that if they did not return to their houses at once, the armistice should terminate. Mr. Goldthwait, the English commandant, came to see Mr. de La Corne, in company with another officer, and after having excused himself, commanded all his men to go in again to their houses; asked to capitulate, and submitted his terms in writing. Mr. de La Corne, after consulting with his officers, agreed to a portion of these terms, and told Mr. Goldthwait to make haste with his decisions, as a prompt renewal of the attack had been determined on. The capitulation was thereupon signed, and is as follows :

"CAPITULATION GRANTED BY HIS MOST CHRISTIAN MAJESTY'S
TROOPS TO THOSE OF HIS BRITANIC MAJESTY
AT GRAND PRE.

"1. A detachment of his Most Christian Majesty's troops will form themselves into two lines in front of the stone house occupied by his Britanic Majesty's troops, who will take their departure for Annapolis Royal within twice twenty-four hours, with the honors of war, six days' provisions, haversack, one pound of powder and one pound of ball.

"2. The English prisoners, in the hands of the French, will remain prisoners of war.

"3. The shipping seized by the troops of his Most Christian Majesty cannot be restored to his Britanic Majesty's troops.

"4. As there was no pillage except by the Indians, their booty cannot be restored.

"5. The sick and wounded belonging to the English, actually in his Britanic Majesty's hands, will be conveyed to the river *Aux Canards*, where they shall be lodged by order of the French Commandant, and supported at his Britanic Majesty's expense until they be in condition to be removed to Annapolis Royal, and the French Commandant shall furnish them with letters of protection, and they shall be at liberty to retain one of their surgeons until they are restored to health.

"6. His Britanic Majesty's troops actually at Grand Pré, will not be at liberty to bear arms at the head of the Bay of Fundy, that is to say, at Minas, Cobequitte and Beubassin for the term of six months from the date hereof.

"On the acceptance and signing of these terms on the one side and on the other, his Britanic Majesty's troops will bring with them a flag, and march to-day from their guard house, of which his Most Christian Majesty's troops will take possession, as well as Grand Pré, and of all the munitions of war, provisions and artillery which his Britanic Majesty's troops now have.

"Done at Grand Pré, the twelfth of February, 1747.

"(Signed,)

COULON DE VILLIER,

Commander of the French party.

BENJAMIN GOLDTHWAITE,

Commander of the English.

Who hath signed with thirteen others.

"In consequence of the above, the King of England's troops marched out, and the French took possession of Grand Pré and of all the stores, provisions and artillery, consisting of two four-pounders and three swivels."

The English and French accounts of the battle of Minas differ in several particulars. The English account says that

the attack commenced at two o'clock in the night, and the French account represents it to have been "morning." They differ widely as to the number of the French force; their account says that it was 300, including Canadians, French and Indians, while the English put it at between 500 and 600. They do not agree as to the number of killed and wounded on either side, nor as to who first proposed the capitulation, but the newspaper account of the *terms* agrees with the French official document. The capitulation was undoubtedly brought about by the French proposal of an armistice and a hostage, to allow an English surgeon to go over to the French and dress Capt. How's wound, "the French surgeon being engaged with Capt. Coulon." That the French had seen enough of fighting, is evident from the terms granted.

That the French commander must have had a perfect knowledge of the quarters of the Provincial officers, is shown by the division of his force into ten parties, for the attack of as many houses at nearly the same time, and the care taken to attack Col. Noble's as soon as any of them. Undoubtedly this knowledge was communicated by an Indian spy, whom the Acadians, as was often the case, permitted to share their firesides. The Acadians and Indians were always on good terms. Their religion was the same, and the same Romish priests and missionaries had the care of both races, who occasionally intermarried.

At the large Acadian settlement at Clare, in the south part of the Province, an aged Acadian gentleman of education told me in 1874, that within thirty years he had seen from 400 to 500 Indians of both sexes encamped around St. Mary's Church at Church Point, St. Mary's Bay, which was then in charge of the aged Abbé Segogne, a native of France, who had been sent out to have the care of the Acadians, who were permitted to return to Nova Scotia after their exodus in 1755. These

Indians had come from all the lower Provinces to attend a church festival, and to have their young people married by the venerable Abbé, and to receive a blessing at his hands. At the out-door dances in honor of the bridal day, the Acadians joined with the Indians in merry-making, while the aged missionary occupied a chair in a conspicuous place, seeming to enjoy the scene. This was the way that the early missionaries won the savages to their religion. From the first settlement of the Acadians in Nova Scotia, the Micmacs have been their friends, and when, in 1755, the Acadians were cruelly transported and their buildings burned, those who escaped found a home with the Micmacs. We all have heard of the manner in which the English of the New England colonies tolerated the presence of the Indians in their settlements, and even in their houses in time of peace, and yet at the first note from Canada, of a war, they invariably threw down their pile of stones, which was a token of friendship, retired and joined the French. The reason they gave for their sympathy with the French was, that when their missionaries (like Rasle, at Norridgewock), came among them, they enquired about their spiritual affairs, and taught them the story of the Saviour, while the English enquired about their furs, and were not over honest in the traffic. Considering the social relations of the three races, we can see how Indian spies could live weeks at Minas, mixing with both the Acadians and the soldiers, without being suspected. The Acadians had sufficient reason to wish the troops away, but they had taken the oath of fidelity to the English, and I find no suspicion of their treachery. They were notoriously an honest, peaceable people.

It is evident, from the French account, that they depended on spies, upon whose information they had commenced the march, to lead them to the houses occupied by the Provincial

officers, knowing that if they could kill or disable them at the onset it would insure their success. Coulon, with his force, remained one day at Pesiquid, now Windsor, ten miles from Grand Pré, undoubtedly to confer with his spies and to plan the attack, but thought it best not to remain longer for fear that Col. Noble would learn of his coming, which he knew would be fatal to his plans, and further, the driving snow-storm then in progress favored a surprise by keeping the sentinels within doors, as no enemy was known to be within marching distance.

It will be recollected that the French account says, "The ten houses that were attacked were all carried, with the exception of only one, which had cannon and which had been abandoned by the Micmacs, four of their men having been put *hors du combat* at the first fire. The command having devolved on Capt. La Corne, he attacked the house occupied by Col. Noble, his brother, and Capt. How, of the Council." It is plain from this account, that Coulon received his wound while directing his Micmacs in the prolonged attack on Col. Noble's quarters. His servant said that "they called to him by name from without, telling him that if he would come out they would give him quarter, but he refused, answering it that he would defend himself until the last." Col. Noble knew how unreliable were French promises when the most of the force consisted of savages; and further, he was not that kind of a soldier to yield while he had the power to defend his house, not knowing the strength of the attacking party. This summons to surrender and promise, probably, came after Coulon had been disabled by a shot from the house, and when La Corne assumed the command, who, failing in a parley, renewed the attack.

The English account says that, "After receiving two wounds in the body, and returning the enemy's fire three times in his

shirt, Col. Noble. was shot dead with a musket ball, which entered his forehead." From this part of the newspaper account, one would conclude that the fighting at Col. Noble's quarters occupied only a few minutes, but further on, it says that about twelve o'clock a surgeon was sent for to dress Capt. How, who was wounded in the same house, and this was ten hours from the first attack on this house, which must have been resolutely defended, when Col. Noble and Ensign Noble were killed in it, and Capt. How was severely wounded in it, ten hours from the commencement of the attack. This Capt. How was afterwards treacherously and barbarously murdered at Schegnecto, in 1757, by the same kind of an enemy, while under the protection of a flag of truce. From both accounts, we learn that the house occupied by Col. Noble was the first attacked, and the last of the ten to be surrendered.

The march of the French force, under Coulon, from Schegnecto, was unprecedented. Haliburton says of it:

"This enterprise of the French, if not well authenticated, would now (1829) be deemed incredible. * * * From Chignecto to Pesiquid there were few settlements, and they were forced to carry their provisions on their backs, and from thence to Grand Pré to submit to the same inconvenience. From the necessity of making forced marches they had no time to construct camps, and they bivouacked on the snow without covering; yet, with all these disadvantages, borne down with the weight of their arms, ammunition and rations, did these intrepid and zealous people effect this extraordinary march in the short space of twenty-three days."

This and much more of the same, which is all true; but the historian named has no word of commendation for his own countrymen, Col. Noble and his party, for their efforts to reach Minas under similar difficulties, although his march over the North Mountain was not so long.

These sketches show the obstinacy with which the contest was pursued by the English and French for the possession of the fine Province of Nova Scotia, and the sufferings of our ancestors in the French and Indian wars.

We learn, from the memorandum of the capitulation, that the Provincial troops marched out of the stone guard-house on the day that the paper was signed, which was Sunday, the next day after the battle, undoubtedly, "with drums beating and colors flying,"* and between open ranks of the French troops, as these honors were granted in the capitulation. Of course the English carried their arms at the "shoulder," and the double ranks of the French presented arms, as military etiquette required. The martial array of the Provincials could not have been long maintained, as to reach Annapolis they must march eighty miles on snow shoes; but, unlike their route over the mountain, the fertile valley through which they now were to pass had Acadian settlements for miles at each end.

The melancholy duty of the burial of the dead by the New Englandmen, was probably performed during the armistice. All but their lamented commander and his brother were buried under an overlooking bank, like a terrace, below the guard house; Col. Noble and Ensign Noble were buried near, but on higher land between two apple trees. The pathetic lines descriptive of the burial of Sir John Moore, at Corunna, by Rev. Charles Wolfe, would as well express the feelings of Col. Noble's soldiers, many of whom were his neighbors at home, and had shared with him the fatigues and honors at Louisburg—perhaps had followed him in the van in his charge on the Island battery.

* Notwithstanding the adverse circumstances, these were

"The drums that beat at Louisburg,
And thundered at Quebec."

“Few and short were the prayers we said,
And we spoke not a word of sorrow,
But we steadfastly gazed on the face that was dead,
And bitterly thought of the morrow.
“We thought as we hollowed his narrow bed,
And smoothed down his lonely pillow,
How the foe and the stranger would tread o’er his head,
And we far away on the billow.”

In August, 1874, I became one of those visiting “strangers,” and unwittingly walked over the scene of our hero’s brave defence, and the place of his burial. I was thinking of the Acadian village, but it did not occur to me that here the battle took place, when, by accident, I met Mr Laird, the owner of the farm, who called my attention to the site of the stone guard-house, which he called a fort. The building has long since been removed, but the outline of the foundation is plainly visible; and, nearer his own house, Mr. Laird pointed out the place where the brothers Arthur and Francis Noble were buried. No stone marks the spot, but undoubted tradition has for more than a century and a quarter kept its locality fresh in the memory of the neighboring farmers. The manner of Col. Noble’s death was so tragic and his defence so heroic, worthy of the best days of chivalry, that an interest has been kept alive in the history of his march over the mountain (as the farmers affirm, without snow shoes), and the events of that fearful night, when so many were killed in their quarters by the Indians, before they could defend themselves, and I find on investigation that the tradition of the neighborhood is mainly correct.

A Mr. Avery, who owns the adjoining farm, was at the time I saw him eighty-six years old. His father came there from Connecticut only eleven years after the battle, so that the memories of father and son reach back to the time when the events

of the battle were fresh and the graves plainly marked. Of course there can be no mistake. If further evidence of the location of Col. Noble's grave were necessary, I had it from Mr. Laird. The two French apple trees, between which was the grave, died many years ago; but not long before my visit, Mr. Laird removed the stump of the last one, and while doing so it occurred to him to search for some evidence of the burial, when with his spade he threw up what was evidently a human skull; but he made no further search, as he considered the tradition verified.

The view from this spot is very fine, overlooking the Grand Prairie, a dike meadow without division fences, two or three miles wide. Beyond, rising in sublime grandeur, is Cape Blomidon, an abrupt precipice of sand-stone, said to be 500 feet high, being the eastern end of the North Mountain, but overlooking it and also the Minas Basin. In the foreground, near the meadow, are remains of the French orchards—an occasional giant apple tree yet bearing fruit, and rows of the monstrous trunks of decayed French willows yet covered with thrifty sprouts. These mark the margins of the lanes that led through the village to the church and to the meadows, as they were when Col. Noble's troops were fed and warmed at the Acadian firesides.

But the saddest thought of all is, that within ten years after the simple-hearted Acadians entertained this host of strangers, speaking another language, an army from the same New England colonies, after performing the service for which they were sent by capturing a fort at Schegnecto, and driving out a force of armed intruders from Canada and Cape Breton, were compelled by Gov. Lawrence, at Halifax, to force these honest Acadian people on board of insufficient transports, to be exiled for life among strangers, and to destroy their village—for no

crime but for fear that their increasing numbers would lead them to commit one.

The crest borne on the seal of the Nobles was a grey hound transfixed by an arrow—the motto, translated, was “Death rather than dishonor.” This was probably granted to an ancestor for some gallant act. By his refusal to yield when summoned, and defending his quarters at great disadvantage, Col. Noble well sustained the sentiment of his family motto.

At the time of his death, Col. Noble could not have been past middle age. Nothing more can probably be learned of his eventful life. Through this we have followed him to his unmarked grave among strangers. It is natural to feel an interest in his children and their descendants.

When about to take command of the expedition to Minas, Col. Noble executed a will, which commences thus :

“In the name of God, Amen. I, Arthur Noble, of Georgetown, in the County of York and Province of the Massachusetts Bay, in New England, Esq., being in sound mind and memory, but being bound on an expedition against the enemies of the King of Britain, I make my will as follows :”

To his “well beloved brothers, Francis and James Noble,” he gave the sum of one shilling sterling each. To his daughter, “Sarah Lithgoe, wife of Mr. Wm. Lithgoe,” the sum of 500 pounds, old tenor, and all “her dear mother’s wearing apparel.”

“As to the rest of my estate, both real and personal, I give and bequeath the same to my well beloved son, Arthur Noble, and his heirs. And I do hereby nominate my well beloved brother, James Noble, Esq., and my good friends Henry Deering, Esq., Capt. Robert Temple and Charles Apthorp, merchants, Executors of this my last will and testament, this 22 day of November, 1746.”

This will was proved on the twelfth of May, 1747.

These executors were among the first merchants of Boston. Robert Temple came to Boston from England in 1717, and, as we have seen, founded an Irish Colony in the north part of Bath, for the transportation of which he chartered five ships. Charles Aphthorp was a partner with Thomas Hancock. He died in 1758. He has a mural tablet to his memory in King's Chapel.

I have the official inventory of Col. Noble's personal estate, comprising every article in a well-appointed household of the time, besides 83 ounces of wrought plate, 309 ounces of silver coin, 3,200 pounds in paper money, 350 pounds in bills of credit, a part of two sloops, a scimitar, six firelocks, and a pistol with a bayonet. Also "a silver hilted sword, *broken*." It is not improbable that this was the sword which Col. Noble wore at Louisburg, and with which he defended himself at the time he fell in his own quarters, and which was broken in that struggle. The value of the personal estate was about 8,000 pound, old tenor.

In this will the only daughter, Sarah Lithgow, receives "all her dear mother's wearing apparel," showing that Col Noble's wife was not living at this time.

In 1740, Arthur Noble and "Sarah" his wife, deeded land to Joseph Berry, of Georgetown. This is all I have been able to learn of her. She was undoubtedly buried in the old burial ground adjoining the meeting house at Pleasant Cove, the site of which is now occupied by a barnyard—all marks of graves having disappeared. The old people of the town say that there were formerly slate stones with inscriptions there, but the present occupants say that there were none there within their knowledge.

I have searched the old graveyards on Arrowsic Island oppo-

site, which are the most ancient, for some memento of Mrs. Noble, without success.

William Lithgow, to whom Col. Noble's only daughter Sarah was married, was the only commander of Fort Halifax, and afterwards Judge of the Court of Common Pleas for Lincoln County, when that County was established in 1760. He had a residence near that which had been Col. Noble's, at what is now Phipsburg. Their descendants are numerous and respectable.

Arthur Noble, the only son of Col. Arthur, after the death of Capt. James at Louisburg, became the heir of his uncle James, who was a wealthy land-holder, living on Hanover Street, in Boston, and owning all the lands joining Damariscotta Pond, and on both sides of the river for six miles down, and sawmills on both sides of the falls, which was his wife's inheritance from her brother, Col. Wm. Vaughan; also lands in New Jersey, Falmouth and Cape Elizabeth. He bequeathed all his property after the death of his wife to his niece Sarah Lithgow, and his nephew Arthur Noble. His will was proved Aug. 14, 1772.

Arthur Noble, Jr., moved from Boston to Damariscotta, on the "easterly side of Damariscotta Fresh Falls," in 1762, and had the care of his uncle's large property. He lived there when the town of Nobleborough was incorporated, in 1788, and being the largest proprietor, his uncle being dead, he named the town in honor of his father and his uncle James. He removed to Boston in 1795, and lived on Friend Street. He died in 1807, aged 71. He was buried in the burying ground adjoining King's Chapel, which place of worship he attended. He left sons and daughters. One daughter married Samuel Devens, of Boston. They were the parents of Mrs. Henry Rice, of New York, of Mrs. S. E. Lane, of Framingham, Mass., and others. Another daughter married a Harrison. Jane, daughter of the second Arthur Noble, married Thomas, son of Hopestill and

Patience Capen. Of the four daughters of Thomas and Jane (Noble) Capen, two died unmarried; one married John Clark; Charlotte Harrison became the wife of John Sowdon, who died in 1835. Their son, Arthur J. C. Sowdon, was a representative from Boston, in the Massachusetts House, in 1879-80.

Arthur Noble, Jr., had a son Francis, whose son Edward Noble now lives in the town of "Zara," Canada. He has a large family of children, who are of the fifth generation in descent from Col. Arthur Noble, and with their father are his only descendants bearing the name of Noble. Col. Noble has many and distinguished descendants through his only daughter Sarah, who was the wife of Judge William Lithgow.*

*The Lithgow genealogy will be found in connection with the paper on Fort Halifax, in this volume.

ARTICLE III.

EDUCATIONAL INSTITUTIONS IN MAINE,

WHILE A DISTRICT OF MASSACHUSETTS.

BY

REV. J. T. CHAMPLIN, D. D., LL.D.

READ BEFORE THE MAINE HISTORICAL SOCIETY, AT
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EDUCATIONAL INSTITUTIONS IN MAINE, WHILE A DISTRICT OF MASSACHUSETTS.

It is the design of this paper to give some account of the educational institutions in Maine before its separation from Massachusetts. In 1691, at the permanent establishment of the Province as a District of Massachusetts, under the charter of William and Mary, it has been estimated that it could not have contained more than 7,000 or 8,000 inhabitants of the English-speaking race; while at the first Federal census, one hundred years later, it contained less than 100,000 white inhabitants, and at the separation in 1820 not quite 300,000. Till near the beginning of the year 1800, there were no means of education in the district above the common school. There were, however, quite a number of educated men in the Province engaged in the different professions, most of whom had obtained their education at Harvard College. Courts of law were established in the different Counties as fast as they were organized, and parish churches in all the principal towns. Mr. Willis, in his "Courts, Law and Lawyers of Maine," states that in 1770 there were sixteen lawyers in the District, and in 1800, fifty-four, and in 1820, at the separation, two hundred and seven. And the Rev. Jonathan Greenleaf, in his "Sketch of the Ecclesiastical

History of Maine," states that there were in the Province more than one hundred clergymen of the congregational order, at the time of the separation. Very few of these educated men, however, were natives of Maine. In the year 1800, according to Mr. Willis, only three natives of Portland had received a college education, and of these two were sons of Parson Smith.

In pursuing the object which I have in view, I purpose to speak: 1. Of common schools and private schools; 2. Of academies; and 3. Of professional schools and colleges.

As the District of Maine was under the laws of Massachusetts after 1691, and under her influence even before that, we know that some of the towns must have had common schools of some sort from a very early period, since a general law of that Commonwealth, passed in 1647, required every town having fifty families to employ a teacher, or teachers, to instruct all who would attend in reading and writing; and every town having a hundred families to employ teachers of grammar schools to instruct all comers in the branches necessary for admission to college, under a penalty of five pounds—increased to ten pounds in 1691—for neglecting to do so. And the present Superintendent of common schools, the Hon. Wm. J. Corthell, in his report for 1877, shows from their records how this law was applied in some of the older towns, as York, Wells, Kennebunk, Portland, Buxton, Thomaston, New Gloucester, Machias, Canaan, Norridgewock, Union and Castine, beginning back in the case of York, about two hundred years ago. The same authority also states, that "at the beginning of the present century, one hundred and sixty-one towns had been incorporated within the present limits of Maine, and yet in only seven can any record be found of a grammar school, there being, probably, only this number which had over one hundred families." Willis' History of Portland and Williamson's History of Belfast give a fuller

account of the operations of the law in these particular cities ; from which local histories, and others of the same kind, it appears that many of the educated young men, afterwards eminent in the professions, engaged temporarily in teaching these public schools, or else opened private schools for a few months at a time, which, indeed, were the only private schools of which we have any account before 1820, the celebrated private school of the Rev. Solomon Adams, in this city, having been established some years later. The "grammar school," required by the Massachusetts law, really included what is now called the high school, though the regular gradation of schools in the larger places in the State into primary, grammar and high schools began only in 1823, and this first in our good city of Portland.

Schools in those times being generally held but a few weeks, or a few months in a year, and these very commonly by incompetent teachers, while school books and other means for instruction were equally defective, the system of education in the province was evidently very imperfect and inefficient. There was clearly a need of something better in kind and more permanent in character. Phillips Academy, at Exeter, N. H., had been the chief resort of such as aspired to a higher education, till the establishment of academies of our own in different parts of the District. The movement in this direction commenced in the last decade of the last century, in the establishment of the Hallowell and Berwick Academies in 1791, and continued with remarkable rapidity and persistence, bringing into existence, on an average, more than one academy a year for the next sixty years. The centers of population being distant from each other, the demand could not be met by a few central schools, while the extent and value of the unappropriated timber lands furnished facilities for meeting the demand locally, at convenient points

throughout the province. Generally, a half township, and occasionally a township, of the unappropriated lands was granted to each academy at the beginning, and, in some cases, further grants were made subsequently. Up to 1820, of course, the academies were incorporated, and the grants of land made by the General Court of Massachusetts. These academies were twenty-five in number, of which alone I am to speak, presenting such facts as I have obtained from a personal examination of their records, or from those who have examined them.

In these days of abounding facilities for higher education, we can hardly realize the importance of these early academies, or appreciate the interest and enthusiasm manifested in their founding and progress. Liberal contributions, considering the general poverty of the people, were made by all around for the building and the endowment of the school, the most eminent citizens were incorporated as Trustees, and the opening of the school, usually accompanied by a sermon by some eminent clergyman, was a great gala day for all the region.

The first in the list was the Hallowell Academy, the act of incorporation bearing date March 5, 1791, which was granted in response to a petition headed by Thomas Rice and William Lithgow, stating that there was no school for higher education between Exeter Academy, New Hampshire, and the Eastern boundary of the State, a distance of 300 miles, and having 100,000 inhabitants. The charter established a Board of Trustees, with the usual powers of management, &c., for the purpose of promoting piety and morality, and for the instruction of youth in such languages, arts and sciences as they might direct; and granted them a half township of land, which was sold in 1806, at two dollars per acre. A lot of land for the academy building was given by Col. Dutton and John Blunt, and sundry subscriptions in money—among them one of \$1,000 by Eliza-

beth Bowdoin—were made by citizens for the benefit of the school; which was formally opened in May, 1795, with a sermon by the Rev. Mr. Bradford, of Pownalboro', and a public dinner for Trustees and friends. The first preceptor was a Mr. Woodman, whose salary for the first six months was forty pounds. In July, 1797, Samuel Moody, who proved a very able and successful manager and teacher of the school, became preceptor, and continued in the service till the burning of the academy building in 1805. His salary at first was \$300 a year, and ten cents a week from each pupil; at the close it was \$500 a year, with the aid of an assistant at \$300 a year. At the beginning of his term of service, the Trustees voted to admit females to the school. In 1807, Mr. Kinne (author, undoubtedly, of Kinne's Arithmetic, for many years used in the schools of the State) became preceptor, and appears to have continued till 1811, when he was succeeded by Jonathan Curtis till the academy building was again injured by fire in 1817. After this there is no account in the records of the appointment of another preceptor till 1824. The school appears to have been a very successful and useful one, so that in 1821, Mr. Daniel Coney, President of the Board, said at a public examination of the school, that more than eleven hundred children had received instruction there. Of Mr. Moody, apparently the ablest of the above named succession of teachers, we have a fine pen and ink portrait, found in the Appendix of Mr. Willis' "Courts, Law and Lawyers of Maine," taken from the autobiography of John H. Sheppard, Register of Probate for Lincoln County, from 1817 to 1824:—"I was seven years," says he, "under the care of Samuel Moody, preceptor of Hallowell Academy, since deceased, a thorough Dartmouth scholar and superior teacher. I can see in the visions of the past, his tall, majestic form, like an Admiral on the deck of a frigate, treading the academic

floor, arrayed in small clothes, the costume of the times, with his bright blue eye watching over his one hundred pupils at their desks. He was severe at times but affectionate, and used the ferule as a scepter of righteousness. I loved him and was a favorite, for he let me study the Eclogues of Virgil in school hours under the groves of the Academy. His scholars turned out well in the world. Among them were Gen. H. A. S. Dearborn, Nathan Weston, Reuel Williams and others." This Academy became in time the free High School of the village, and is now merged in the Hallowell Classical and Scientific Academy.

Berwick Academy, also, was incorporated in 1791, and went into operation in 1793, two years before the opening of Hallowell Academy, and that, too, under the care of Samuel Moody, who four years later, as we have seen, became the preceptor of Hallowell Academy. A township of land (now the town of Athens) was granted the school in the charter, and Benjamin Chadbourne, the first President of the Board, gave a lot for the building, and 200 acres of land in the town of Shapleigh. Mr. Moody continued in charge of the school for three years, and was succeeded, in 1796, by Joseph McKeen, afterwards the first President of Bowdoin College. From 1797 to 1800, inclusive, Benjamin Green was preceptor; from 1801 to 1803, Joseph Willard; from 1804 to 1812, Josiah Seaver; from 1813 to 1816, William A. Thompson; and in 1817, Isaac Holton. From the end of this year to 1820, the school was closed for the want of funds. No record of the number of pupils in attendance was kept, but to 1817 only boys were admitted to the school. In 1815, the Hon. John Lord left the Academy a fund of \$500, the income of which was to be expended in presenting each student with a Bible, which has resulted, up to the present time, in the presentation of 2,263 copies. The school is still in operation, and since 1820

has received \$2,000 from the State, and several scholarships and prize funds from individuals. Among the early graduates of the school were Rev. Dr. Nathaniel Lord, late President of Dartmouth College, Hon. Bion Bradbury, Rev. Dr. Goodwin, formerly Prof. of Modern Languages in Bowdoin College, John Wentworth (Long John, so called), and the Hon. Charles Doe, Chief Justice of New Hampshire.

Fryeburg Academy and Washington Academy, at Machias, were both incorporated in 1792, the former February 9th, the latter March 7th. Twenty-five citizens of Fryeburg, as proprietors, had erected, in 1791, a building for a "grammar school," and opened it under the instruction of Paul Langdon, with a salary of fifty-two pounds a year, the number of students being limited to seventy-five, and tuition to be seven shillings a term of eleven weeks' duration. When, a year later, the Academy was incorporated, with a charter donating to it a half township of wild land, the proprietors of the grammar school building conveyed it to the Academy, and Mr. Langdon was continued as preceptor till January, 1802, with the exception of the year 1799, in which year John P. Thurston served as preceptor. In 1802, from January to September, Daniel Webster served as preceptor with great eclat, with a salary at the rate of \$350 a year, of which sum, as we learn from Harvey's "Reminiscences," he gave \$100 to his brother Ezekiel, then in Dartmouth College. On the retirement of Mr. Webster, Amos Jones Cook became preceptor, and continued at the head of the school till 1820, with the exception of the year 1808, when the school seems to have been suspended for the want of funds, and the year 1810, when Wm. Barrows, who was a native of the town of Hebron and had previously taught for several years with great success the Academy in that place, was the preceptor. Mr. Cook introduced into the school vocal and instrumental

music, the musical instruments being the flute, the violin and the bass viol, of which instruments the Trustees furnished him with two of each kind, and authorized him to charge the pupil from nine to twelve and a half cents a lesson for instruction in each of these accomplishments. In the year 1806, a new, larger and more commodious academy building was erected; females were admitted to the Academy, and a preceptress employed during the summer months "to instruct the girls in needle work, embroidery, reading, writing and English grammar." The female department was supported by donations solicited from friends, which were obtained partly in money, and partly in tickets of the "Piscataqua Bridge Lottery," and of the "Amoskeag Canal Lottery." In 1808, a museum of natural history and other curiosities was commenced in the Academy, in consequence, apparently, of the interest in these matters excited by the medical lectures, conducted by consent of the Trustees in a part of the Academy building, by Dr. Alexander Ramsay. A complete list of the names of each student for each of the four terms of the year, down to 1808, is found in the records, from which it appears that there were, during this time, some four thousand entrances, of which, of course, a large proportion were repetitions of the same names from term to term. The school, evidently, was largely attended by all the region around, and has continued to do important service in the cause of education to the present day. The records, kept for many years by the Rev. Wm. Fessenden, who was largely influential in founding the school, are the fullest and most complete of any which I have been permitted to examine. They would furnish most valuable assistance in preparing a history of the town and the surrounding country, which very much needs to be narrated.

Washington Academy, at Machias, although incorporated the same year as the Fryeburg Academy, had in early times a

much less conspicuous history. It received by charter a township of land (No. 11), which was sold in 1796 for twelve hundred pounds, and opened its school at West Falls, Machias, in the year 1800, in a hired building, under the care of Daniel P. Upton, who was allowed for his services \$100 for the year, and a shilling a week tuition from each pupil, the number of which was not to exceed twenty. From the close of this year, the Trustees allowed the school to be conducted as a High School till 1823, when the Academy went into full operation, in a building erected by the citizens, at East Machias, under the charge of the Rev. Solomon Adams, afterwards well known as the teacher of a private school in this city. Since then, the school has been in successful operation, and has an invested fund of \$23,000.

Portland Academy was incorporated in July, 1794, and in 1797 received of the General Court of Massachusetts a grant of half a township of land (afterwards sold for \$4,000), on condition that a fund for the institution, of \$3,000, was first provided, which was procured chiefly by the indefatigable efforts of Samuel Freeman, and the school was opened in 1803, in the second story of the Center Street school house, where it remained till 1808, when it was removed to the new brick Academy building, which had been erected near what is now Fluent Hall, at an expense of \$7,300. The first preceptor was Edward Payson, who received a salary of \$600 a year, and continued his services for three years, till 1806. He was followed as preceptor by Ebenezer Adams for two years, then by the Rev. Wm. Gregg, by Nathaniel H. Carter, Nathaniel Wright, and then, in 1815, by Bezaleel Cushman, who held the place for twenty-six years. In 1806, there were forty-three boy pupils in attendance; in 1807, girls were admitted to the school, and the attendance was seventy of both sexes. The records of the

Academy were destroyed by fire in 1816, and the subsequent records July 4, 1866. The Academy building was finally sold, and its funds (now about \$33,000) allowed to accumulate till 1873, when the Trustees devoted the income from the same thereafter to the Portland Public Library and the Portland Society of Natural History, the children of the schools to enjoy certain benefits of these institutions, gratis.

Lincoln Academy, at Newcastle, was incorporated in 1801. The Board of Trustees was made up of eminent citizens from eight towns, of whom Gen. Knox, of Thomaston, was one. The charter granted the school a half township of land, which was exchanged for the "Gore" between the Plymouth and Waldo Patents. Subscriptions to the amount of \$3,000 were obtained from citizens in the County, a building erected, and the school was opened in 1803. It continued in the original building, at the turn of the road which led to Wiscasset, till 1828, when it was destroyed by fire, and the present building erected. The records of the Board having been destroyed by fire in 1845, the succession of teachers, as well as other important facts, is known only from tradition. The following are the names of a few of the earlier teachers, as given without dates, by Gen. Hall, in his Centennial Address at Damariscotta: Daniel Haskell, Nathan Sidney, Smith Beaman, Harvey Talcot, Edward Hollister and a Mr. Fisk, afterward said to have been a college Professor in Connecticut. Gen. Hall says that but little is known of the earlier teachers, but that tradition relates of Mr. Beaman, "That he was a young man of ability, with plenty of temper, and high toned in his religion and politics. He was injudicious in inflicting punishment upon a promising young lady of the school, a daughter of one of the citizens of Newcastle, of Scotch-Irish descent, from whom he barely escaped a caning. That he afterwards became an eminent divine and

Doctor of Divinity, in the State of New York." This was, without doubt, the Rev. Dr. Nathaniel S. S. Beaman, of Troy, N. Y., who was ordained in Portland, in 1810. The Hon. E. W. Farley, of Newcastle, says that the attendance at the Academy always has been, and still is, good, and even in early times must have averaged at least thirty or forty a term.

Blue Hill Academy, Hampden Academy and Gorham Academy were all incorporated in 1803. Of these, the Bluehill Academy received by its charter a half township of land (sold for \$6,252), and opened its school in November, 1803, in a building erected for the purpose by a hundred shareholders, who were to maintain the school for ten years. David Cobb was the first President of the Board. The tuition was twenty cents a week to 1815; after that ten cents a week, and the fee of a dollar at the first entrance. Elias Upton was the first preceptor, from November, 1803, to November, 1814. Miss Caroline Bowers taught a female department in the Academy in 1810, and Miss Ann Bowers in 1811 and 1812. After the close of Mr. Upton's term of service, in 1814, the winter terms seem to have been taught by different male teachers, and the summer terms by female teachers. The attendance was good in each year, being on an average, it is said, about sixty. The school is still in operation.

Hampden Academy was opened in 1807. John Crosby and others, in 1803, having subscribed \$3,400 for erecting and supporting an Academy, it was incorporated in that year, with a grant of half a township of land, which was sold in 1805 for \$5,740, and the building completed in 1807. The first preceptor was Phineas Johnson, who continued in charge of the school till August, 1810, with a salary of \$450 for the first year, and after that of \$250 a year, with the tuition, which was at first a shilling a week and afterwards twenty-five cents a week for

each pupil. He gave good satisfaction as a teacher, the school averaging more than sixty pupils a term, four terms a year. From 1810 to 1816, no regular preceptor was employed by the Trustees, the Academy apparently having been occupied by temporary private schools. At the last named date, the Trustees having entered into arrangements with "The Maine Charitable Society," of Bucksport (which had been chartered for establishing a Theological Seminary, and in 1819 founded Bangor Theological Seminary), the winter schools opened in the Academy in October, under the care of Professor Jehudi Ashmun, afterwards distinguished as Colonial Agent of the Colonization Society in Liberia. His services in the school were not very satisfactory, and the Theological School removing to Bangor in 1819, a Mr. Green was employed at the Academy for one term, and in 1820 was succeeded by the Rev. Otis Briggs, who conducted the school with excellent success for several years, and in 1830 was followed by Asa Mathews for ten years, with like success. The school, I believe, is still in operation.

Gorham Academy, the other institution incorporated in 1803, received a half township of land by its charter (the town of Woodstock), and was for many years one of the most efficient and successful schools in this part of the State. It was opened in September, 1806, under the charge of Reuben Nason as preceptor, who retained the position till 1810, and resumed it again in 1815, and held it till 1834. The five years between his two terms of service were occupied, first by Dr. Charles Coffin for one year, then by Asa Redington, Jr., (the late Judge Redington, of the Middle District Court, I have no doubt), length of service not known, and then by Wm. White. During the year occupied by Dr. Coffin, Miss Rhoda Parker was the first preceptress employed in the school. Mr. Nason, therefore, was the principal teacher of the school during its best days. During

his first term of service, *i. e.*, to the year 1810, only boys, and none under ten years of age, were admitted to the school, and the number limited to forty-five. At his second term of service, the number of pupils allowed was seventy-five, of whom fifteen might be girls. His salary at first was \$600 a year, and Judge Pierce thus speaks of him in his History of Gorham: "Mr. Nason was a native of Dover, N. H., and graduated at Harvard University in 1802. He was a thorough scholar, especially in the Latin and Greek languages, and Mathematics; he was an able teacher—attentive and faithful to the duties of his vocation; somewhat severe, but never revengeful; and has been called by one of his most distinguished pupils '*that sternly kind old man.*' The Academy flourished under his guidance." The Academy is still in operation, and is soon to become a State Normal School.

Hebron Academy was incorporated February 10, 1804. A half township of land was granted in the charter (afterwards sold for forty cents per acre), and a lot of land for the building and school premises given by Joseph Barrows. The building was erected by shares, taken by seventy persons, and the school opened September 10, 1805, with a sermon and oration. The Rev. John Tripp and Wm. Barrows were the most influential in originating the school, and Wm. Barrows, Jr., son of the preceding, then in his senior year in Dartmouth College, became the first preceptor, and remained such till 1809, when he was succeeded for a term or two by a fellow townsman, Bezaleel Cushman, so long preceptor of the Academy in Portland, and then by a Mr. Fessenden in 1810. In 1812, Mr. Barrows resumed his position as preceptor, and continued it till 1815, when John Eveleth became the preceptor for 1815 and 1816, under whom the number of pupils was about forty. After Mr. Eveleth there seems to have been no regular preceptor appointed

up to 1820, and only temporary teachers employed from year to year. Mr. Barrows, it will be seen, was the principal teacher of the school in these early years, and was evidently an excellent teacher and a most estimable man. His salary was \$425 a year, and it is recorded that, at the first opening of the school under him, some sixty or seventy scholars of both sexes, from nearly all the neighboring towns, presented themselves. Early benefactors contributed some \$1,500 for the benefit of the school, including \$500 from Andrew Craggie. In 1855, the institution held its semi-centennial anniversary, with an historical address by the Rev. Dr. Adam Wilson, and short addresses by the Hons. A. K. Parris, Elijah and Hannibal Hamlin, Jabez Woodman and Stephen Emery, of the earlier graduates of the school. Dr. Wilson, in his address, gives the following quaint description of the first academy building: "The first public building in the town was an illustration of the union of religion and science. Some of us here can remember, and others can imagine, a building somewhat peculiar in its form and appearance. It was of wood, one-story, yet towering in its height somewhat above the one-story buildings in the vicinity. Near the center of the house was a single chimney with a fire-place on each side. Front of the chimney was an entry, and back of it folding doors; when the doors were closed, we had two good rooms for study and recitation; when the doors were open, all was one hall for declamation, and on the Sabbath one sanctuary for worship." The Academy has been one of the most useful ones in the State, and has lately been adopted as a fitting school for Colby University, and is now in process of receiving an endowment for that purpose.

Bath Academy was chartered in 1805, and Bath Female Academy in 1808; but I have not been able to obtain anything relative to the history of either of these schools, except that

they each received a half township of land, and that that of the former was sold for \$8,050. For some years they have both been merged in the city High School, which, however, I believe, admits pupils from out of town without charge for tuition.

Farmington Academy was incorporated in 1807, but, as far as I have been able to ascertain, was not opened for students till 1812, and then under the care of the Rev. James Hall, as preceptor, who continued in the office for two years, and was followed, for the years 1814 and 1815, by Otis Briggs (afterwards preceptor of Wiscasset Academy, as we shall see, and also of Hampden Academy, as we have already seen); then by N. G. Howard, for the year 1816; then by Joseph Caldwell, for 1817 and 1818; then by Moses S. Moody, for 1819; and finally by the Rev. Wm. A. Drew, for 1820. As to the attendance at the school, and other particulars, I have no information. The Academy has been merged in the State Normal School at that place.

Canaan Academy, also, was incorporated in 1807, and its name changed to Bloomfield Academy in 1819, at the setting off of that part of Canaan as a distinct town. An academy building was erected and the school opened in 1814, under the care of the Rev. James Hall, who remained the preceptor for twelve years. Mr. Hall, as we have seen, had previously taught the Farmington Academy for two years. He was a Scotchman by birth, very rough and eccentric, but withal a good scholar and thorough teacher. The school prospered under his management, and attracted to it many young men from different parts of the State—among them the celebrated missionary, George Dana Boardman. In 1820, his school numbered sixty scholars. Within a few years the Academy has been merged in the High School of the town.

No less than six Academies were chartered in 1808, one of

which was Warren Academy, which received, by its charter, a half township of land and \$3,680 were subscribed for its endowment by individuals. The school was opened Oct. 9, 1809, in Thatcher's Hall, and continued there, and in the upper story of the Court House, till 1829, when an academy building was erected, which was burned a few years ago. The teachers, in succession, till 1820, were as follows: E. Morse, 1808-1810; Josiah J. Fisk, 1811; Arnold Gray, 1812; Amos Whiting, 1813 and 1814; Benjamin Dudley Emerson, 1815; Chandler Robbins, 1816; John S. Freeman, 1817; Phineas Pratt, 1818; George Starrett, 1819-1821. Mr. Morse, the first preceptor, is spoken of, in particular, as an able, successful and popular teacher. Indeed, the school is said to have been generally successful under all these teachers, and well attended, not only from the town, but from all the region around.

Another Academy incorporated in 1808 was Belfast Academy, which received the usual grant of half a township of land by its charter. From Mr. Williamson's history of the place, I gather the following facts in regard to the school. The lot for the Academy building was given by Capt. Ephraim McFarland, and \$3,500 subscribed for the endowment by individuals. The building was erected in 1811, and the school opened under James Porter, as preceptor, who continued his service for two years, and was followed by Geo. Downs in 1813; then by John Bulfinch in 1814; then by Henry Bulfinch (brother of the preceding) in 1815; by Ralph Cushman in 1816 and 1817; by Wm. Frothingham in 1818; and by a Mr. Putnam in 1819. The tuition was five dollars a term, the number of scholars not to exceed thirty-five. In 1852, the Academy was merged in the common school system of the place.

Wiscasset Academy, also, was incorporated in 1808, under the patronage of a company of wealthy citizens of the place,

known as the "Wiscasset Academical Association," which had been formed a few years before, erected a brick building for the school, and opened it for scholars in 1807, a year before the charter was obtained. The village was then known as "Point Precinct," or "West Parish of Pownalboro." The first teacher of the school was the Rev. Dr. Packard, pastor of the Congregational church of the parish, with a Miss Thompson in charge of the female department, which she retained for several years. In 1809, Dr. Packard was succeeded for a season by the Rev. Otis Briggs, and he in turn by Capt. Jonathan E. Scate, who retained the post for several years. Then followed in succession A. S. Packard and Wm. Smyth. But the Academy in time declined in reputation, and at length was merged in the common school system of the place, in which the old Academy building is still occupied by the scholars of the Primary Department.

Bridgton Academy, which was also incorporated in 1808, received as endowment from citizens about \$4,000, of which \$500 was subscribed by Samuel Andrews. The time of the opening of the school I have not been able to learn, and indeed little else of its history, except that among the teachers, prior to 1820, were Bezaleel Cushman and Valentine Little. The institution is still in existence, holding one or two sessions a year, and seems to have husbanded its resources well, if it has not shown the greatest enterprise as a school, as it has a good school building and an invested fund of \$16,000.

Limerick Academy, another Academy incorporated in 1808, received a half township of land by its charter, on condition of \$3,000 being subscribed for its endowment. The Academy building was dedicated and the school opened in 1810, under the instruction of the Rev. Wm. Gregg till 1815; from which time, after a few months of service by the Rev. John Atkinson, the school was under the care of Randolph Codman, of Portland,

till 1820. The school was highly successful in its earlier years, and a great blessing to all that region; but having, in the course of its history, lost two fine academy buildings by fire, with their apparatus, the school has not been able of late to maintain itself, and is now not in operation.

Bath Female Academy, the sixteenth chartered in 1808, has already been spoken of.

Monmouth Academy was incorporated by that name in 1809, but had existed since the year 1800 as a body politic, under the name of the "Monmouth Free Grammar School." The school building was erected and occupied in 1803-1804, Lady Elizabeth Temple and others having subscribed some \$1,500 for the benefit of the school, and the State of Massachusetts having granted it some ten thousand acres of land. The first preceptor whose name has been preserved was Ebenezer Herrick, for one term in 1810, who was followed by John Boutelle till 1812; then by James Weston till 1814; then by John Davis till 1816; then by Joseph Joslyn from 1820 to 1824. The pay of the early teachers was from \$450 to \$500 a year, and the school in all its early years was large and flourishing, numbering usually about 100 pupils, many of whom fitted there for college. It now has a fund of about \$5,000, and maintains a school only in the spring and fall terms. Among the early graduates of the school were the Hon. George Evans, Judge Clifford, Hon. S. P. Benson and others.

Saco Academy was incorporated Feb. 16, 1811, and a half township granted in the charter, on condition that \$3,000 was raised for its endowment, within three years. The building was erected, and the school opened Jan. 4, 1813, with forty-nine scholars, under the charge of Asa Lyman as preceptor, who, after October, had a salary of \$800 a year. From 1815 to 1819 Ezra Haskell appears to have been the preceptor; and in 1820,

P. Pratt, with a salary of \$700 a year. In 1822, T. G. Thornton gave the Academy ten shares of the stock of the Saco Bank, and the name of the institution was changed to Thornton Academy. The school is no longer in operation, and its funds, amounting to some \$50,000, remain idle in the hands of the Trustees, and which, it is said, by the will of Mr. Thornton, revert to his heirs if they give up their trust. If this be so, and they cannot profitably employ the funds there in promoting the education of youth, there ought to be an enabling act procured of the Legislature, by which they may be surrendered to some other institution, or institutions, which will so employ them.

North Yarmouth Academy was chartered February 4, 1814. Rev. Francis Brown was the first President of the Board of Trustees. The Academy building was erected by the citizens at an expense of \$1,675, and the school opened in March, 1815, under the care of Rev. David M. Mitchell, as preceptor, who is the only teacher to whom the records refer up to 1820. The best days of this Academy occurred at a later period.

Coney Female Academy, at Augusta, Bangor Young Ladies' Academy, and China Academy, are the last Academies chartered prior to 1820, and these in 1818. They could not, of course, have had much of a history in these two years. And, in regard to them, I merely wish to remark, that two of these Academies being for girls, indicate the change which was going on in regard to female education. Nearly all the earlier Academies, it must have been observed, did not admit girls at first—very few of them prior to 1810 or 1815—and then but sparingly, only fifteen girls out of seventy-five scholars being allowed at Gorham Academy, at the last named date. Such education, it was thought, perhaps, was above their needs, or above their capacities, or that their attendance was indecorous or dangerous to

morals—just as at the present day, one cannot help observing, the like objections are made to the attendance of young ladies at our colleges and universities; and who will say that a few generations hence these objections may not seem just as absurd and ill-founded?

It remains for me to speak of the colleges and professional schools in those early times. Of colleges, there was but one in the District prior to 1820, and that was Bowdoin College, well known to all present, and hence requiring but few words from me. According to an instructive article by Prof. Packard, in the November number of the *Quarterly Register* for the year 1835, the institution took the name of Bowdoin, as that of one of the most honored families of Massachusetts, and not on account of any special benefaction, though the Hon. James Bowdoin, son of the Governor, in response to the compliment for the name, immediately after the granting of the charter, bestowed upon the college money and lands to the value of \$6,800, and at his death, in 1811, left to it his extensive library, philosophical apparatus, collection of paintings, lands, &c., to the value of \$15,000. The charter, also, which was passed June 24, 1794, and bore the signature of Samuel Adams, granted the institution five townships of land in the unsettled parts of Maine; and, subsequently, other lands were granted. It was not, however, till September, 1802, eight years after the granting of the charter, that the first college building, 40 x 50 feet and three stories high, known as Massachusetts Hall, was ready for use, and the college opened under the Presidency of the Rev. Joseph McKeen, assisted by John Abbot as Professor of Languages, and, after three years, by a tutor, and Parker Cleaveland as Professor of Mathematics and Natural Philosophy. At the first Commencement, in 1806, seven young men were graduated from the college, and varying numbers followed in subsequent years,

making the whole number of graduates, previous to the separation from Massachusetts, 124. President McKeen died in July, 1807, and was succeeded in the Presidency by the Rev. Jesse Appleton, who held the position till his death in November, 1819, just after the passage of the "Act of Separation" by Massachusetts. During these seventeen years, the college had done good service in the cause of education, and given fair promise of the eminent position to which it has since attained.

Of Professional Schools there were two in the District at the time of the separation, "Bangor Theological Seminary" and "The Maine Literary and Theological Institution," at Waterville, which in time became Waterville College, and is now Colby University. The Bangor Seminary did not go into operation in Bangor till March, 1820, and then under the care of the Rev. John Smith, as Professor of Theology, and the Rev. Bancroft Fowler, Professor of Classical Literature. It had, however, been in partial operation, under the name of the "Maine Charitable School," since October, 1816, in connection with the Hampden Academy. There, as already stated in the sketch of that Institution, it was at first under the sole care of the Rev. Jehudi Ashmun, who, however, during the last three years of its connection with that Institution, had for his colleagues, the Rev. Abijah Wines, as Professor of Theology, and Mr. Ebenezer Cheever, Preceptor of the Preparatory Department. In 1819, a very desirable plat of ground in Bangor, of about seven acres, having been presented to the Trustees, by Isaac Davenport, Esq., of Milton, Mass., as a site for the school, it was removed to that place in 1819, and went into operation in the following March as "Bangor Theological Seminary." The first impulse in the movement for the establishment of the institution seems to have proceeded from "The Society for Promoting Theological Education," which was formed in Portland, in 1810, and in

1814 procured the charter for the "Maine Charitable School," which became also the charter for the Seminary.

In like manner, the initial movement for the establishment of "The Maine Literary and Theological Institution," at Waterville, began in 1810, at a meeting of the Bowdoinham Baptist Association, at Livermore, and a charter for it was obtained in 1813. Among its early promoters and Trustees were the Rev. Caleb Blood and Gen. Alford Richardson, of this city, the Rev. Sylvanus Boardman, of North Yarmouth, the Rev. Benjamin Titcomb, of Brunswick, the Hon. James Campbell, of Cherryfield, and the Rev. Daniel Merrill, of Sedgwick. The institution went into operation in a private house in Waterville, June, 1818, under the care of the Rev. Jeremiah Chaplin, of Danvers, Mass., as Professor of Theology, who was joined, in October of the following year, by the Rev. Avery Briggs, as Professor of Languages. A house for Professor Chaplin, with accommodations for a number of students, was erected in the latter part of the year 1819, on the site now occupied by the Memorial Hall. The institution was chartered as a college, at the first meeting of the Legislature of Maine, in 1820, and went immediately into operation under the same instructors, though Dr. Chaplin was not elected President till May, 1822. At the time of his call to Waterville, Dr. Chaplin had charge of the Theological students, aided by the Massachusetts Baptist Educational Society, many of whom accompanied him to Waterville, and formed the nucleus of his school. Professor Briggs, on his arrival in Waterville, in 1819, reported to his brother, Otis Briggs, whose name has occurred several times as teacher in the academies, that there were from thirty to forty students in the school. Of the pupils in the school, most continued their theological studies under Dr. Chaplin, even after he became President of the College, and entered the Christian ministry,

while a few, including the eminent missionary George Dana Boardman, took the College course, and were among the first graduates. Dr. Chaplin was a clergyman of the old school, of primitive style and manners, with a clear and penetrating mind and ample scholarship for the times and for the work before him. He was serious and somewhat stern in his ways, punctilious in college etiquette, having been known, as it is said, to remove his own hat, even in a rain, if a student addressed him without removing his. He long since went to his reward, while Professor Briggs, at last accounts, was still living in a western city.

There was no law school, nor medical school in existence in the District, at the time of the separation. Dr. Alexander Ramsay for several years had given medical lectures in an apartment of Fryeburg Academy, but the Medical School connected with Bowdoin College was not established till the accession of President Allen, in 1820.

In 1820, therefore, there were in the District, besides well-established common schools in most of the towns, twenty-five Academies, two Theological Schools and one College in full operation, with another College and a Medical School just opened. Here were the beginnings of a grand educational system, capable of being developed, and which has been developed into proportions of which we have no reason to be ashamed.

As evidence of the hopeful condition of education in those times, I might refer to its fruits in the form of books, pamphlets, newspapers, &c., published in the District. The press is the pinion of knowledge, both tempting and enabling it to rise. A printing office was first opened in Falmouth, in 1784 or 1785, by Benjamin Titcomb, the pioneer of the craft in the State, the first fruit of which was the *Falmouth Gazette* and *Weekly Adver-*

tiser. Soon after this, we find the types at work at various other points in the District, usually beginning, as in Portland, with the local newspaper, but soon adding to their issues sermons, public addresses, doctrinal discussions and the like. Before this, such productions by Maine authors had occasionally been issued through the Boston press; but now that there was a press at home, they became much more numerous, especially from the clergymen of the District: as Drs. McKeen and Appleton, of Brunswick; Kiah Bailey, of Newcastle; Alden Bradford and Hezekiah Packard, of Wiscasset; Caleb Bradley, of Westbrook; Francis Brown, of North Yarmouth; Paul Coffin, of Buxton; Eliphalet Gilbert, of Hallowell; and Wm. Jenks, of Bath. Besides such sermons and addresses, Thomas B. Wait, of Portland, published a valuable edition of Blackstone's Commentaries, in 1807; while the press of Ezekiel Goodale, of Hallowell, was largely engaged, from 1800 to 1820, in publishing school books, including Jonathan Morgan's and Lindley Murray's English Grammars, Kinne's Arithmetic and other books of the kind. But no religious newspaper was published in the District till after the separation. There was little, of course, in those early times to cultivate or even to tolerate the spirit of poesy or of polite literature, and yet their stern duties and realities were not sufficient to restrain the restless and audacious muse of our late distinguished fellow citizen, John Neal, whose "Keep Cool," and "Battle of Niagara," were among the first attempts in this line in the District.

ARTICLE IV.

THE
PEMAQUID COUNTRY UNDER THE STUARTS.

BY

H. W. RICHARDSON.

READ BEFORE THE MAINE HISTORICAL SOCIETY, AT
PORTLAND, MARCH 14, 1878.



THE PEMAQUID COUNTRY UNDER THE STUARTS.

Three manuscripts, curiously illustrating the condition of the Pemaquid people in 1686, have recently come to light, and deserve a place on the records, though the owner does not yet surrender them for the archives, of the Maine Historical Society.*

*The Society is indebted for the discovery of these MSS. to R. K. Sewall, Esq., of Wiscasset, who gives the following account of them :

"These Pemaquid papers came to my knowledge accidentally, in the course of my professional duties, just before our field day at Sheepscot in 1877. Elbridge Chase, Esq., a very conscientious, respectable and aged resident of Old Sheepscot, where he was born, and a descendant of the Tappan heirs, came to me for legal advice as to the boundaries of his farm lands, which he claimed had been intruded upon by a recent purchaser of land from the heirs of Thomas Lennox. Chase held that one boundary of his homestead was a town road laid out by Christopher Tappan, the purchaser of the Mason and Walter Phillips estates. Among the ancient deeds and plans produced to sustain this claim, were found the papers specified. I have done my best to secure them for the Historical Society, but Mr. Chase is unwilling to part with them, though he freely consented to lend them temporarily. The intrinsic evidence of their antiquity is beyond question, as you will see by the chirography, the ink shades, the spelling and the texture of the paper. They are undoubtedly relics of the Old Sheepscot Records, supposed to have been lost or destroyed. Mr. Chase lives at Old Sheepscot, and his homestead is among the oldest lots on the site of the ancient Sheepscot Farms."

It is well known that, in 1664, King Charles II bestowed upon his brother, James Stuart, Duke of York, by royal charter, the territories of the New Netherland, since called New York, and of Sagadahoc, now a part of Maine. The latter portion of the grant was defined in the charter as "all that part of the Main Land of New England beginning at a certain place called or known by the name of St. Croix, next adjoining to New Scotland in America, and from thence extending along the sea-coast into a place called Petuaquine or Pemaquid, and so up the river thereof to the furthest head of the same as it tendeth northwards, and extending from thence to the river Kinebequi, and so upwards by the shortest course to the river Canada northwards."*

This grant, though the boundary on the west is incorrectly described, was intended to cover all that part of Maine between the Kennebec and St. Croix Rivers, which had been purchased by the Duke of York in 1663, for £3,500, from Henry, Earl of Stirling, whose title was derived from a patent issued to William Alexander, the first Earl, by the Great Council of New England in April, 1635. The royal charter of 1664 simply confirmed this purchase. The rest of Maine, from the Kennebec to the Piscataqua, and a hundred and twenty miles inland, had been held by Sir Ferdinando Gorges and his heir, since 1639, as a County Palatine, under the name of the Province of Maine. Of this Province, Massachusetts became Lord Palatine by purchase in 1677, and in 1680 appointed Thomas Danforth President of Maine.†

The Duke of York received at first a very unfavorable report concerning his New England purchase. The royal commis-

* Pemaquid Papers (Maine Hist. Coll., Vol. v), p. 6.

† Chamberlain's Maine: Her Place in History, p. 62.

sioners appointed to visit the American colonies in 1665, arrived at Sheepscot in September of that year, and held a court at the house of John Mason, where twenty-nine persons appeared and took the oath of allegiance to the King of England. The commissioners reported that they found east of the Kennebec three plantations. "The greater," they said, "hath not more over twenty houses, and they are inhabited by the worst of men. They have had, hitherto, noe government, and are made up of such as to avoid paying of debts, and being punished, have fled hither; for the most part, they are fishermen, and share in their wives as they do in their boats." * This does not agree with the written statement of Captain Sylvanus Davis, made in 1701, and still on file in Boston. Captain Davis lived at Damariscotta from 1659 till 1676, and was there when the commissioners visited that region, though he did not respond to their proclamation calling upon the inhabitants to appear and take the oath of allegiance. He says, in 1701, that he knew, personally, of eighty-four families of fishermen at St. George's, and as many more farmers along the coast between the Kennebec and Matinicus, and ninety-one families within land, of which fifty were at Sheepscot, "some seventy and some forty years since." † Forty years before the date of Captain Davis's memorandum would have been about the time when the royal commissioners were at Sheepscot. Seventy years before would have been in 1631, when Williamson estimates the population of Sagadahoc, Sheepscot, Pemaquid, St. George's and the islands at 500. In thirty-four years this number might reasonably be expected to increase to the ten or twelve hundred indicated by Captain Davis's recollection. The commissioners must have been misinformed. They named the country Corn-

* N. Y. Colonial Documents, Vol. *xxx*, p. 101.

† Johnston's History of Bristol, Bremen and Pemaquid, p. 97.

wall, called the Sheepscot plantation New Dartmouth, appointed three justices of the peace, a recorder and a constable, and went their way and were forgotten.

Nothing was heard from the Duke's government, except a friendly letter from Governor Lovelace in 1673, until after Pemaquid was attacked and burned by the Indians in 1676. Thereupon the New York Council sent a sloop to bring away as many of the settlers as might choose to come, and offered them lands within the territory of New York. Learning then that a large number of the people of this neglected dependency had applied some years before to the Massachusetts colony to give them a settled government, and that Massachusetts had sent commissioners to Pemaquid in 1674, and taken jurisdiction, the New York Council decided to send a commission of their own to assert the Duke's authority in Cornwall, make peace with the Indians, and restore and protect the inhabitants. Fort Charles was built at Pemaquid, and garrisoned under the direction of the Council. A custom house was established at Pemaquid, and all vessels trading in the Duke's territories in those parts were required to enter there. All trading with the Indians was to be at Pemaquid, under strict regulations. The ownership of the soil was claimed for the Duke under the king's charter, without regard to previous patents, and the settlers were required to pay a quit rent of one shilling per annum for a hundred acres.*

In 1683, when New York was divided into counties, the territory between the St. Croix and the Kennebec was designated as Cornwall County, and became entitled to one Representative in the General Assembly at New York. The first use which the inhabitants of Cornwall made of this privilege was

* *Maine Hist. Coll.*, Vol. VII, p. 157.

to send to Governor Dongan, by their Representative, Giles Goddard, a petition asking for relief from the arbitrary rule of the commandant at Fort Charles, and from the restrictions upon trade and commerce mentioned above, and another asking for the confirmation of certain grants of land by Governor Dongan's predecessor, Sir Edmund Andros. These petitions are still preserved in the New York archives.* Such papers were usually "referred untill the Governor go to Pemaquid," and he never went. The Duke of York had not paid for his purchase in America, but was then burdened with an annuity of £300, which the Earl of Stirling received instead of the price originally agreed upon.† To wring a part of this annuity from the county of Cornwall, the taxes and imposts were rigorously maintained. The quit rents were strictly exacted. Trading vessels were required to pay heavy fees. Even transient fishermen on the coast were obliged to pay tribute to the Duke's government—a decked vessel, four quintals of merchantable fish, and an open boat two quintals.

Of course the rents were often in arrears; smugglers from Boston did a lively business in furnishing supplies to the settlers and to the Indians; and fugitive fishermen eluded the government officers on the coast. The collectors and sub-collectors in Cornwall County had no easy or pleasant task. The people were beginning, not without reason, to share the fierce hatred of the men of Massachusetts for the Stuarts and their representatives. One of the most efficient and obnoxious of these officers was John Palmer, who was sent to Pemaquid in the summer of 1686, with "full power and authority to treat with the Inhabitants for Takeing out Pattents and Paying the quitt

* Pemaquid Papers, pp. 81, 95.

† N. Y. Col. Documents, Vol. III, p. 606.

rents.”* He is sometimes called Judge Palmer, and sometimes Deputy Governor. The patents which he granted were simply leases. One of these documents, printed by Sullivan, conveys to John Dalling, of Monhegan, an indefinite “parcel of land” upon that island, upon condition of his paying, “yearly and every year,” one bushel of merchantable wheat, or the value thereof in money. At New Dartmouth, 140 of these leases were taken out.

Judge Palmer also had charge of the collection of customs. One of his transactions in this capacity is thus related in the “Memoirs of the Commissioners of the King [of France] and of those of his Britannic Majesty, concerning the Possessions and the Respective Rights of the Two Crowns in America,” published in Paris, 1755–7, in four volumes.† The memorandum is dated in 1687, a year after the seizure which it records :

Les soussignés Ambassadeurs et Envoyés extraordinaires de France, etc., etc., représentent à Votre Majesté, que le nommé Phillippe Syuret, maître d’une vaisseau, nommée La Jeanne, étant parti de Malgue pour la Nouvelle France, chargé de marchandises pour le compte des Sieurs Nelson, Watkins et consorts, et les ayant délivrées, suivant ses connaissances, au Sieur Vincent de Castène, marchand établi à Pentagoet, situé dans la province de l’Acadie, le Juge de Péniquide, qui est sous l’obéissance de Votre Majesté, fit équiper une vaisseau qu’il envoya à Pentagoet, d’où il enleva les dites marchandises comme étant de contrebande, et prétendant que Pentagoet appartient à Votre Majesté, mit en arrêt la vaisseau du dit Syuret, et refuse encore présentement de la restituer.

The French claimed the Penobscot as their western boundary,

* Pemaquid Papers, pp. 107, 111.

† Quoted by Johnston, *u. s.*, p. 155.

while the English claimed to the St. Croix.* Messrs. Nelson, Watkins & Co. were Boston merchants, and the cargo which they had shipped to the Baron de St. Castin, on this debatable territory, was 70 pipes of Malaga wine, one of brandy, two of oil and 16 or 17 barrels of fruit. Palmer's account of the affair has been published, † but some interesting particulars have now come to light in a letter written by his own hand from Boston. The address is lost, but the letter is evidently intended for his Secretary, John West, left in charge at Pemaquid during Palmer's absence. West had been secretary of the Province of New York, clerk of the court of assizes, and clerk of the city of New York, and had come to Pemaquid with Palmer. Palmer had been a member of Governor Dongan's Council. His letter is a clear, businesslike document; the handwriting is elegant; the orthography remarkably good. It shows that the writer was an unusually intelligent and capable officer. That he was bold and ready has already appeared. He writes;

BOSTON, Octob: 6th, 1686.

SR

These are to acquaint you that in 20 houres after our departure from Pemaquid we arived at Boston, where our occasions and some little trouble we have met withall from y^e owners of the Mallaga wine, have hitherto detayned us. We were highly threatned before our arival; but uppon our appeareance all those clouds were dissipated; and we have not only procured an order for Severets ship to be tryed at Yorke but we have caused him to enter into Bonds of 500th for his appeareance whensoever our Govern^r shall think fit to prosecute him for y^e re-

* The French sometimes claimed to the Kennebec, but the just boundary was doubtless the Penobscot. See Frontenac's letter to the King of France, N. Y. Col. Doc., Vol. ix, p. 796.

† Andros Tracts, Vol. III, p. 69. See *ibid.* Vol. I, p. 164, N. Y. Col. Doc., Vol. ix, p. 919, Wheeler's Castine, pp. 263-266.

mainder of y^e wines w^h were left behind, and w^h he carried away; this he must answer at Yorke likewise; so y^t by this time I doubt not but he repents of the trouble he gave us. They neither touched y^e wines nor vessells although we brought them into y^e Docke, but arested Brooks and Patishall persons unconcerned; we have bailed them and make no doubt but in a short time they will see their folly.

Pray take y^e Deposition of John Bullocke concerning y^e seizure of y^e wines, how and in what manner it was done; how many pipes were marked wth y^e broad arrow, and if he can not tell y^e certaine number, whether all y^e whole parcell were marked or not and if there be any othe persons y^t knowes any thing of it take their affidavits likewise, and send them by y^e first opportunity to Mr. James Loyd in this place, who will take care for their Conveyance to me at N Yorke. Let this be carefully done, for it very much imports y^e Kings Service.

We have had advice here y^t S^r Edmund Andross is coming Govern^r of this place, and y^t Pemaquid will be added to this Collony, but whether it be true or not, we are not certainly informed, however if it be soe you must follow y^e orders and instructions recd from me untill further orders from our Govern^r who hath now a new Comission sent over, and is made Capt Generall of his maj^{ty} Collony of New Yorke. I acquaint y^e President* what capacity I had left you in at Pemaquid who seemed pleased at it and took it very unkindly y^t he did not see you when you were last in towne. Let Mr. Shurt † know y^t I cannot send him those things I promised him at present because we cannot Dispose of any wine here for advantage, and y^e flower we left here is yet unsould, soe y^t I have been very much straitned for want of money to cleare those engagements w^h I undertook at Pemaquid; but by Mr Wallin he

*Joseph Dudley, president of the provisional government established in 1686, after the abrogation of the Massachusetts charter. His authority extended over Massachusetts, New Hampshire, Maine and Rhode Island. Palfrey's New England, Vol. 11, p. 291.

† This must have been Abraham Shurte, whose death consequently occurred in 1690 and not in 1680. Williamson gives both dates, and it has been uncertain hitherto, which was the year he meant and which a misprint.

may expect it. We are juft now taking horfe for Rode Island, (the veffells went on Saturday laft,) and from thence to N Yorke from whence you fhall heare further from

your Friend and Servant,

J. PALMER.

On the representation made by the French envoys in London, the vessel and cargo were finally given up. The Duke of York had become the King of England in 1685, and was now not merely the lord of New York, including its county of Cornwall, but sovereign of all the American colonies. The political change foreshadowed in Palmer's letter was accomplished by a royal order which had even then been issued, on the 19th of September, 1686, consolidating the New England governments, and appointing Sir Edmund Andros Governor General. Palmer was called to a seat in Sir Edmund's Council in 1688, and West was made judge of the inferior court of the county of Suffolk. Both were cordially hated, and both were thrown into prison with Andros by the exasperated Massachusetts men, when news came in 1689 of the revolution in England and the flight of King James. During his imprisonment, Palmer wrote a vindication of Sir Edmund's government, and after his release the book was published in London. It is called "an Impartial Account of the State of New England,"* and is a vigorous and

* Andros Tracts, Vol. i, p. 21. See *ibid.* pp. 113, 114, the declaration of Edward Randolph, collector of customs in New England from 1679 till 1688. Though himself an officer of the king, heartily disliking and disliked by the colonists, Randolph does not hesitate to say that Palmer and West were "as arbitrary as the great Turk" at Pemaquid; that they employed emissaries to frighten the people into taking new grants of their own lands, charging 2l. 10s. for passing the grants; that the lands so granted were neither measured nor marked; that they took the improved lands themselves, refusing to recognize the first settlers; and that the quit rents were "only a sham upon the people," not one penny coming in to the king.

learned presentation of the theory of absolute government, coupled with a lively but not wholly satisfactory contradiction of all the specific accusations against the Governor and his agents.

Mr. Patishall, who is mentioned in Palmer's letter as having been arrested in Boston, may have been "unconcerned" in the seizure of the *Johanna* and her cargo; but he is on record as a spy, having informed in 1683 against a merchant in Boston, who held that St. Castin was in rightful possession of the post at Pentagoet, and that "it would be an ill day's work for Governor Dongan to use aught of hostility toward him; for if he did, the English in those parts would be soon cut off and the places left in ashes."*

Patishall does not appear to advantage in the next document, which is a petition addressed to Palmer and West, as follows:

* Pemaquid Papers, p. 89. The merchant was probably Mr. John Nelson. As printed, the information says, "I alsoe Asked Capt. Sharpe whether he had deliuered the Letter to Mr *Nol* . . . he said noe, but would doe it After y^e procla was vpp, when I vnderstod Mr *Kelson* had his Letter I went to his house to discorse him Conserneing y^e Esterne p'ts." Mr. "Nol . . ." who was to have a letter, and Mr. "Kelson" who received it, are evidently the same and should be called "Nelson"—doubtless the senior partner of Nelson, Watkins & Co., whose wines were afterward seized at Pentagoet. Mr. John Nelson had good reason to know that St. Castin was in rightful possession; for he was the nephew of Sir Thomas Temple, by whose order the post was surrendered to the French in 1670, and the heir to a claim of £16,200 for this and other estates in Acadia ceded to the king of France by Charles II, without indemnity. The claim was afterward sold to General Samuel Waldo, but proved worthless. Mr. Nelson took a leading part in the arrest and imprisonment of Governor Andros. He was afterward taken prisoner by the French in 1791 and carried to Quebec, and thence to France, rejoining his family in Boston after an absence of eleven years. His name occurs frequently in the New York Colonial Documents. See also Hutchinson's History of Massachusetts, Vol. I, pp. 336-7, notes, Murdoch's Nova Scotia, Vol. I, pp. 199-203, Maine Hist. Coll., Vol. VII, p. 61, Wheeler's Castine, p. 277.

The Houmble Peetifshon of Jn^o Sellman of Dambrells Cove to y^e Wright
 Honn'able Judge Palmer wth y^e worthy Gentellman Mr. West:
 Houmbly Sheweth

Whereas yo^r Houmble Peetifshoner & his Defesed Prediceffor hath
 binn Liuing vpon y^e Island of Dambrells Cove this fix or feuen &
 twenty yeares & att y^e Rebellyon of y^e natiues did Loufe a very Con-
 siderable estate in Fish & Catell together wth my housing & stage & since
 y^e Restoration of these parts was one of y^e first of y^e English y^t Returned
 & to y^e Aboue s^d. Island where I brought with me a Stoke of Sheepe &
 neatt Cattell & a gayne haue Layd out & Disbusted in Bulding one said
 place vpwards of a houndred & fifty pounds & now haue wth gods bleff-
 ing a Considerable Esteat of Sheep & Cattell: &ce vnderstanding
 M^r patishall wold Inioy y^e whole I did Reialey Intend to Make My
 playnt to yo^r Honn^s but s^d patishall Arriuing here did promise I should
 haue half y^e Island with him & there would bee noe necessity of my
 Appearance thereuponn: but since yo^r peetifshoner is Informed without
 My Personable Appearance I am Like to Loufe all my wright and Inter-
 est of y^e place, w^h Cost My self & prediceffor a Considerable Some of
 Money: now yo^r Peetifshoners Houmble & Earneft Request & Desier is
 to yo^r Honn^s y^t I may not be dispossesed of y^t I haue Bought and payd
 fore so many years since but if yo^r Submissiue Suplicant May haue
 Redress from yo^r Honn^s y^t hee May Inioy his wright of y^e Island as
 formerly hee hath done or bee pay^d to y^e worth of said purchise by
 him or them y^t May or shall Inioy y^e same. Yo^r peetifshoner had bee
 one of y^e first y^t had asked his Redress to yo^r Honn^s had it not binn
 for y^e perswaschon of Mr Richard Patishall: Notwithstanding noe
 wayes questioning yo^r Honn^s Clemency to putt a pious and genrous
 Consideration vpon y^e Deplourable Condishon of yo^r poor peetifshon^r to
 grant y^e about Premises to y^r peetifshoner wth yo^r Honn^s Confirmation
 & a pattent ffor y^e same y^t it May remayne y^e proper Esteat of yo^r pee-
 tishoner & heirs for Euer: & as I am & euer shall bee bound to pray
 ffor yo^r Honn^s helth & happy prosperity.

Patishall's claim to the island of Damariscove is still of

record in the book of "Eastern Claims," at Boston.* He had a "patent from Col. Dongan," which means, under the circumstances, a patent from Judge Palmer. Patishall appears to have been on good terms with the government and on bad terms with his neighbors for a number of years; for his name occurs in the first petition sent by the hand of Representative Goddard to Governor Dongan, in the 5th article, which asks for relief from an order directing all the fishermen on Sagadahoc Island to remove their houses within three years, and alleges that the person who procured the order can be no other than Mr. Richard Patishall, who had set up an unfounded claim to the island, "which parson," the petitioners say, "we have grounds to fear doth not design good to these parts."†

This petition has eighteen signatures, John Allen's at the head and John Sellman's at the foot of the list. These two names are associated in the court record, which completes the story of John Sellman's misfortune. It is plain that he was ousted by the crafty Patishall, for he was brought into court for assaulting a sheriff. The manuscript is a rough memorandum, from which, probably, the official record was afterwards made.

Att a Spfell Court in new dartmouth, In the County off Cornwall
holden the 16 off Nouember 1686

Then John Sellman is Indeitted ffor breaking off ouer Soueren Lord
the Kings pefe on the hed of John Allyen Sheriff for said County‡ also
threatening to Morder said Allyen: ffarther the wiffe of John Sellman
haue defiered Atthority to prefarue her from being Mordered by the
said John Sellman her husbon: the Cort declared iff said Sellman would
be tried by god and the King or god and the Contray; the said Sell-

* Johnston, *u. s.*, p. 235.

† Patishall was killed by the Indians in 1689. Sewall's *Ancient Dominions of Maine*, p. 197.

‡ Allen was appointed Sheriff in 1683. Pemaquid Papers, p. 73.

man made Answer by god and the King; the Cort haue hard Red all Euedents that could be producted which are on file and find for the King to be payed by said Sellman 5th and to pay all Charges that have Refon on the Cafe with Court chargs and to be bound to his good be-heuer. also to Sattisfi Mr Allyen for the damedg don him by streiking him and a bouefieff Langedge Giuen.

A deposition on the same sheet gives some further information concerning Sellman's habits :

The deposition of Job : Tookie Aged 32 years or therabouts Testy-
fyeth and Sayeth

That on y^e 6th of Nouem^r 1686 last past I saw skipper Jn^o Sellman att his Owne house a little before Sun Sett neare hand an houre & I did Judge that he had been drinking by the Language he gave me about my Oyle but cannot Say he was drunk then and Afterwards saw him Nott for the Night : and further sayeth Nott.

The poor skipper had become discouraged and taken to drink to such a degree that he had become a terror to his family and a nuisance in his neighborhood. In this demoralized condition he disappears from history. His hard fortune with his lands, and the arbitrary seizure of the Boston cargo by sea, admirably illustrate the condition of the Pemaquid country under the Stuarts; and these examples show why and how the Stuart rule became intolerable at home as well as in the colonies; for it was there as here, the government of an oppressed people by pampered favorites.

ARTICLE V.

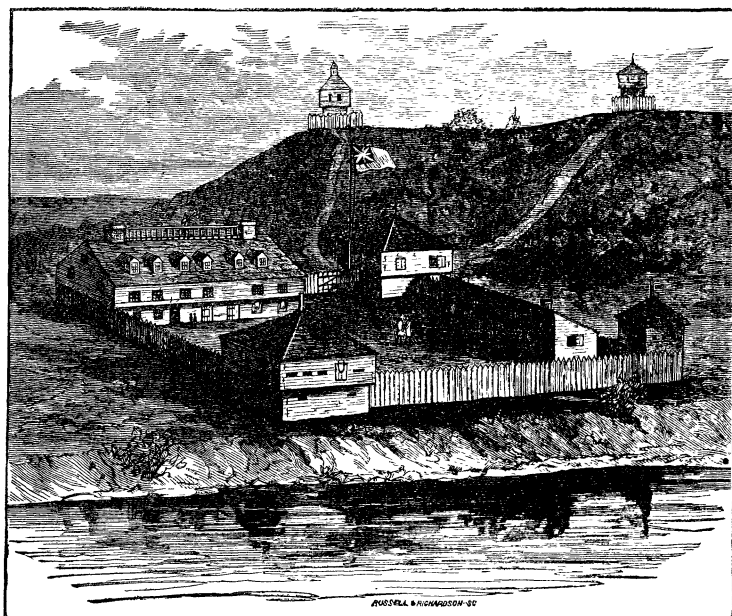
FORT HALIFAX:

ITS PROJECTORS, BUILDERS AND GARRISON.

BY

HON. WILLIAM GOOLD, OF WINDHAM.

READ BEFORE THE MAINE HISTORICAL SOCIETY, AT
PORTLAND, MARCH 30, 1876.



SEBASTICOOK RIVER.

FORT HALIFAX,

AS IT STOOD WHEN COMPLETED IN 1755. DRAWN FROM DESCRIPTIONS IN
OFFICIAL DOCUMENTS, TRACINGS OF THE FOUNDATIONS, AND
FROM THE REMAINING FLANKER. \

BY W. G.

FORT HALIFAX:

ITS PROJECTORS, BUILDERS AND GARRISON.

[Unknown to each other, and about the same time, Mr. Williamson and myself copied, in Boston, a portion of the official documents relating to Fort Halifax. Some of the standing committee of the Maine Historical Society have expressed doubts of the expediency of publishing them in this article, as some of them were printed in Volume VII of this series, under the title of "Materials for a History of Fort Halifax." To preserve the continuity of this history it is necessary that these documents should be given chronologically, which was not done in Volume VII. W. G.]

The traveler who passes the old low wooden tower, with its conical roof and projecting upper story, situated at the west end of the railroad bridge that spans the Sebec at Winslow, when he is told that it is Fort Halifax, naturally supposes that it is all there was of the fort originally—that it was simply a timber house or camp to hide in from the Indians, not supposing that it is less than one-tenth part of the buildings of the strongest and most extensive fortress in Maine of the last century, but such is the fact.

As the territory on which this fort was erected, and on which the settlements it protected were made, was for forty years the property of the Plymouth colony, it would seem proper here to explain how and why they obtained it.

While the pilgrims in the Mayflower were on their perilous passage to the new world, King James the first granted a charter to "forty noblemen, knights and gentlemen" of England, in which the company were styled "The Council of Plymouth, in the County of Devon, for the planting, ruling and governing New England in America." This charter bears date November 3, 1620, eight days before the combination was signed in the cabin of the Mayflower. It granted to the council all the territory between the fortieth and forty-eighth degrees of north latitude, and "from sea to sea." A prominent member of the council, and the prime mover of the enterprise, was Sir Ferdinando Gorges.

The older Virginia company, then existing, opposed the granting of this charter to the Plymouth company, alleging that it infringed on theirs, and three times Gorges was summoned and appeared at the bar of the House of Commons, to defend the charter. It was finally confirmed, and became the English authority for all the land titles of New England.

Before the pilgrims left Holland, the Virginia company had offered them a patent of land at Hudson River, which they accepted. Some Dutch merchants had a plan of establishing a colony on the Hudson, and, learning of the intention of the pilgrims, they bribed the master of the Mayflower to deceive them and prevent them from reaching their destination. Morton's New England Memorial, written in 1669, is the authority for this. He came to Plymouth only three years after the pilgrims in the Mayflower. He was a nephew of Governor Bradford, and attained an honorable position in the colony, and of course he is reliable authority. After mentioning the arrival of the pilgrims at Cape Cod, he says :

"Nevertheless, it is to be observed, that their putting into this place was partly by reason of a storm, by which they were forced

in, but more especially by the fraudulency and contrivance of the aforesaid Mr. Jones, the master of the ship; for their intentions and his engagement was to Hudson's River, but some of the Dutch having notice of their intentions, and having thoughts about the same time of erecting a plantation there likewise, they fraudulently hired the said Jones, by delays while they were in England, and now under pretence of the shoals, &c., to disappoint them in their going thither. Of this plot betwixt the Dutch and Mr. Jones, I have had late and certain intelligence. * * Being thus fraudulently dealt with, and brought so far to the northward, the season being sharp, and no hopes of obtaining their intended port, and thereby their patent being made void and useless, as to another place, &c."

They were set down on the barren sands of Cape Cod against their will, and without any title to the inhospitable shore. Their agent, John Pierce, a merchant of England, in 1623 obtained of the Council of Plymouth a patent for one hundred acres of land for each settler, but this was not satisfactory. Gorges, in his "Brief Narration," thus alludes to this charter. "They hastened away their ship with orders to their solicitor to deal with me, to be a means that they might have a grant from the Council of New England's affairs, to settle in the place, which was accordingly performed." The Plymouth colonists had made coasting trips to the eastward to obtain necessary supplies from the fishing ships at Monhegan, and learned of the furs which the natives brought to the mouth of the Kennebec, and coveted that trade, but they had nothing to exchange with the Indians until 1625. After harvest that year, they found that they had raised a surplus of the new staple, Indian corn, and began to think how they should turn it to account, and settled upon this venture, as recorded by Governor Bradford in his history of Plymouth. He says:

“After harvest this year, they sent out a boat’s load of corne, forty or fifty leagues to the eastward, at a river called Kennebeck; it being one of those two shallops which their carpenter had built them y^e year before, for bigger vessel had they none. They had laid a deck over her midships, to keep y^e corne dry, but y^e men were faine to stand it out in all weathers without shelter, and that time of yeare begins to grow tempestuous; but God preserved them and gave them good success, for they brought home 700 pounds of beaver, besides some other furs, having little or nothing else but this corne which themselves had raised out of y^e earth. This viage was made by Mr. Winslow and some of y^e old standards, for seamen they had none.”

This is the first trading voyage of the many that the colonists made to the Kennebec, and seems to have suggested to Governor Bradford the plan of securing the entire trade.

In the spring of the same year, two ships came to Plymouth for cargoes of fish; one was very small. They were successful, and in the fall were preparing to return to England, when Winslow returned from the Kennebec. In the small ship the colonists shipped their furs. Bradford gives this account of her loss:

“The master was so careful, being so well laden, as they went joyfully together, for he towed y^e lesser at his stern all y^e way overbound, and they had such fair weather as he never cast her off till they were shot deep into the English channel, almost in sight of Plymouth, and yet there she was taken by a Turk’s man of war and carried into Sally [Sallee, a port in Morocco], where y^e master and men were made slaves, and many of y^e beaver skins were sold for fourpence apiece. Thus was all their hopes dashed, and y^e joyful news they meant to carry home turned to heavy tidings.”

In the largest ship, the colony sent Capt. Standish as their agent, with letters to the Council of New England. These

letters undoubtedly contained a petition for a grant of territory, including the river Kennebec. Capt. Standish returned the next spring, not having obtained the grant.

In 1727, says Bradford :

“They now sent over Mr. Allerton againe into England; he had orders to procure a patent for a fit trading place in y^e river Kennebeck, for being emulated, both by the planters at Piscataqua and other places to y^e eastward of them, and also by y^e fishing ships, which used to draw much profit from y^e Indians of those parts, they threatened to procure a grant and shut them out from there, especially after they saw them so well provided with commodities as to carry the trade from them. They thought it but needful to prevent such a thing; at least, that they might not be excluded from free trade there, where themselves had first begun, and discovered the same and brought it to so good an effect.

“Mr. Allerton having settled all things thus, in a good and hopeful way, he made haste to return in y^e first of y^e spring. He also brought them a patent for Kennebeck, but it was so strait and ill bounded, as they were faine to renew and enlarge it the next year, as also that they had at home. Having procured a patent for the Kennebeck, they now erected a house up above in y^e river, in y^e most convenient place for trade as they conceived, and furnished the same with commodities for that end, both in winter and summer, not only with corne, but with such other commodities as y^e fishermen had traded with them; as coats, shirts, rugs and blankets, pease, prunes, &c., and what they could not get out of England they bought of the fishing ships, and so carried on their business as well as they could.”

Russell's “Pilgrims' Memorials” says this trading house was “at a place called Cushenac” (now Augusta).

This Kennebec patent describes the bounds thus :

“Unto William Bradford, his heirs and associates, and assigns, all that tract of land * * which lyeth within, or between, and

extendeth itself from y^e utmost limits of Comaseconty, which adjoineth y^e river Kennebeck, towards the western ocean, and a place, y^e falls of Nequamkick, and y^e space of fifteen English miles on each side of said river, and all y^e said river Kennebeck that lyeth within the said limits." *

* Robert Gardiner, in his History of the Kennebec Purchase, published in Volume 11, M. H. S. Coll., 1847, page 275, says: "What place was intended by the falls of Nequamkike is not known to this day." The term falls led people to look for a perpendicular fall. Judge Lithgow's deposition, 1763, points out unmistakably the intended boundary:

"The deposition of William Lithgow, of a place called Fort Halifax, on Kennebec River, in the County of Lincoln, Esq., of lawful age, testifieth and saith that the deponent has lived on Kennebec River ever since the year 1748, till this present year 1763, and is well acquainted with the most remarkable places on said river, by enquiring of the Indians of the Norridgewock tribe, with whom I have traded on the province account for some number of years; and well knowing where Taconick Falls are, also where the falls of Nequamke are, which last mentioned falls are about five or six miles below said Taconick Falls, towards the sea; and a little below said Taconick Falls are two islands which are never covered or hid by any overflowing of the river, as there are a number of trees on each island.

"The signification of said Nequamke, as the Indians have described them to me, is by scooping down and up their hands, and they said those falls took their name from such a motion of the water. Said Nequamke Falls does not anywhere fall perpendicular, but in rather a rippling which breaks all times of the year, even when the river is flowed by the highest freshets. There are a great number of other rippings or falls, between said Taconick Falls and Cushnock Falls, where Fort Western now stands, but Nequamke is the most remarkable, as all the other rippings run almost smooth when the river is highest by the spring freshets. I am also well knowing to a considerable stream which empties itself into Kennebec River on the western side of said Kennebec River, and is about six miles below Cushnock, or Fort Western, and I have often been told by sundry Indians that the very mouth of the above stream has been always called Cobbesacontee, but only the mouth of this stream as it emptieth itself into said Kennebeck river.

"I have enquired of the Indians the names of some of the ponds which are on the above said stream, and those names are as follows: Gumscook,

The resident agent of the colony in England, in a letter, says that

“Allerton got granted from ye Earl of Warwick, and Sir Ferdinando Gorges, all that Mr. Winslow desired in his letters to me.”

It has been said that Gorges opposed the interests of the Plymouth colonists, as they were Puritans, and he was a member of the church of England, but his dealings with them contradict this assertion.

In a letter to Gorges, from Governor Bradford and others in 1628, they say :

“Honorable Sir: As you have ever been, not only a favorer, but also a special beginner and furtherer of the good of this country, to your great cost and less honor, we whose names are underwritten, being some of every plantation in the land, deputed for the rest, do humbly crave your worship’s help and assistance,” &c.

I make these extracts for the purpose of defending the fair fame of Maine’s greatest benefactor.

This Kennebec grant was the center of the lands and waters which were claimed and inhabited by the powerful tribe of

Maroonscook* and Annabescook. As the signification of Cobbasecontee, the Indians have told me that it took its name from the sturgeons jumping at the mouth of the above said stream. I have also heard the English call the above said stream and ponds, for this twelve years, Cobbasecontee. This stream is about eleven or twelve miles above Richmond Fort. I also know a small stream on the east side of Kennebeck River, called by the name of Nahumkeag. This stream is below Cobbasecontee, about two or three miles, and further saith not, William Lithgow.

“Suffolk, ss., September 14, 1763. The within named William Lithgow to the within written affidavit, taken at the request of James Noble, Esquire, in perpetuum rememoriæ, before B. Dana, Justice of the Peace and Quorum. Belcher Noyes, J. P.”

*This “Maroonscook” is the lake in Winthrop which has lately been made attractive as a place of resort, on the line of the Maine Central Railroad.

Canibas Indians, whose fighting men numbered fifteen hundred. Of course their catch of furs was desirable, as they could be obtained for goods which in this traffic paid an enormous profit. Bradford and his associates carried on this trade in their own name until 1640, when they surrendered the patent to "all the freemen of New Plymouth," after which it was held and managed by the colony.

The Indians gradually sought other purchasers for their furs, and the colony's revenue fell off so much that it was decided to lease the river trade, with the houses, to a company of their own people, of whom Governor Bradford was at the head, for fifty pounds per year for five years. At the expiration of the lease it was renewed for thirty-five pounds, and finally it went down to ten pounds, and in 1661, the colony sold the patent to four gentlemen, one of whom was Edward Winslow, who, in 1625, made the trading voyage to Kennebec, in command of the shallop. He had been Governor of the colony in 1636. The consideration paid for the patent was 400 pounds. From this time these and their associates were called "The proprietors of the Kennebec purchase." For nearly ninety years the title lay dormant, from the unsettled relations between the English and the Indians.

Fort Richmond, at the head of Swan Island, was built by Massachusetts Province in 1723, as a check upon the Indians. It was garrisoned by the Province, and so continued until the forts above were built.

In 1749, there was a movement of the heirs of the four purchasers of 1661, who were all dead, to look up the title to the Kennebec lands, which were being settled by squatters, to ascertain their bounds and value.* A meeting was held under a

*1767, June 6, William Lithgow deposed that Fort Richmond was built in about 1723. In 1748, he had command of Richmond Fort.

warrant from "John Storer, Esq., one of His Majesty's Justices of the Peace for the County of York," at the Royal Exchange

1750. "About this time the Plymouth gentlemen proclaimed their patent; for my part, I never heard anything of this patent until the latter end of the year 1749, and then being in company with old Robert Temple, Esq., and Major Noble (James), at said Temple's house, Capt. Temple told us he was concerned in an old patent, by virtue of which he and four or five more gentlemen were entitled to a tract of land lying between Nequamkee and Cobiseconteague, and asked me where Nequamkee was. I told him that I did not know, for that I had never been further up than Cobiseconteague. Said Temple told us that he should be glad to have three or four more substantial partners to make the number seven or eight good men, and did not know but in such a case they might be able to extend their bounds near as low down as Richmond Fort, as he looked upon Clark and Lake's title to be slightly. And further signified to us there were many heirs belonging to said patent who would sell out for a trifle, and asked us if we would be concerned, which we declined.

"About the year 1752, the Plymouth Company erected two blockhouses about 24 feet square and two story high, and placed some cannon therein. The above blockhouses at opposite angles of a picket work 200 feet square, and a shed built about 40 feet long. The roof built lintow ways, which building was called Fort Shirley, alias Frankfort.

"Fort Western, above, was built by the Plymouth Company, the description of which is as follows: Four blockhouses two stories high, two of which were about 24 feet square, the others about 12 feet square. Those blockhouses stand at the four corners of the picket work, 150 feet square, composed with a row of open pickets round two squares, within the above picket work. The house about 100 feet long, and about 32 feet wide, built of hewed timber, and two stories high. When this fort was built it was under guard of the Province.

"The same year Fort Halifax was built, and the cannon and ironwork of which were carried up with two scows or gundaloes, which drew about two feet of water. The gunnels of which vessels were about a foot clear above water, and were towed up to Fort Halifax by the assistance of the army that guarded them."

Certified by Jonathan Bowman and Thomas Rice, Justices of the Peace, June 6, 1767. At that time both these Justices resided at Pownalborough.

Vol. 24, H. Gen. Register, p. 21. The original is in the possession of Mrs. Henry Rice, a great granddaughter of Col. Lithgow.

Coffee House in Boston, on the first day of September, 1749. Nine of the heirs attended. Soon the number was increased by forgotten heirs and by those who had purchased rights.* The

* At a meeting held in October, 1750, it was voted that "In order to determine the qualifications of voters and how votes shall be collected for the future, that every proprietor bring in his title or claim next meeting, and the proprietors to be warned by advertising the same in the Evening Post." The first tax was voted on the sixth of February, 1750, of one thousand pounds, Old Tenor. In October, 1753, "All persons concerned in the Kennebec purchase," were "desired to bring in their claims to the clerk of said proprietee, showing how they came by their rights, and how they have descended from Antipas Boyes, Edward Tyng, Thomas Brattle and John Winslow, they being the first purchasers."

Finally, before the division, Nathan Dane, the distinguished lawyer of Beverly, was employed to trace the pedigree of each claimant, or his purchased right. He made a voluminous report, from which much can be learned of the genealogy of ancient provincial families.

"The residue, be it more or less, of all the lands belonging to the Plymouth Company, that have not been sold, granted or given away" were advertised, and at the appointed time were sold "on the floor of the Exchange Coffee House, Boston."

The sale commenced twenty-second of January, 1816. There were remaining lots in a large number of towns—in some towns large tracts were unsold, and were all sold by the acre. The principal purchasers were Thomas L. Winthrop, Robert G. Shaw and John Hancock, of Boston, James Bridge and Reuel Williams, of Augusta, and Robert H. Gardiner, of Gardiner. The increase in value of these lands added largely to the estates of the three Kennebec purchasers. The amount realized by the land company from this sale was \$40,160, aside from the securities held by them.

At an adjourned meeting of the Plymouth Company, held at the Royal Exchange Tavern, King Street, Boston, on the thirteenth of April, 1761, the following preamble and votes were passed:

"The Judges of the Superior Court of Common Pleas, and Justices of the Court of Sessions for the County of Lincoln, by their letter to this proprietee, bearing date Novem. 18, 1760, say that there is no convenient place for holding said Courts in said County; and, whereas, the said Judges and Justices have signified their desire in their said letter, that this proprietee will provide a convenient place for that purpose, within the parade of

first recorded vote after the organization was the choice of Samuel Goodwin, of Charlestown, and Jabez Fox, of Falmouth, to lay out a township.

In 1753, an act of incorporation was obtained with this title:

Fort Shirley, so called, situated on the west side of the town of Pownalborough, on Kennebeck River, and in case said proprietors will comply with their desire, the said Judges and Justices will establish the same as the place for holding the said Courts of Common Pleas and Courts of Sessions, for the County of Lincoln, for the future.

"In consideration, therefore, of the said Judges and Justices engagement aforesaid,

"Voted, That this proprietee will forthwith build, or cause to be built, at their own cost and charge, a house forty-five feet long and forty-four feet wide, and three stories high, and that one room on the second story, of forty-five feet long and twenty feet wide in said house, shall be fitted with boxes, benches, &c., needful for a Court House for holding such Courts of Common Pleas and Courts of Sessions. And the standing committee of this proprietee are hereby desired and empowered to erect, at the cost and charge of this proprietee, the said house as soon as may be.

"Also Voted, That the eastermost blockhouse of said Fort Shirley, with the land on which it stands, be appropriated as a goal for the use of said County of Lincoln. Also the easterly part of the Barrack in which Major Samuel Goodwin now lives, be appropriated as a house for the goal keeper for said County; and that said room be improved as a Court House together with the blockhouse and easterly part of the Barrack aforesaid (to be improved as aforesaid), be for the use of the said County for the term of twenty-one years from this day.

"Voted the said County of Lincoln three lots of land containing three acres each, in the town platt of said Pownalborough, * * * to be chosen by the Judges, for erecting a Court House and goal.

*"Present:—*James Bowdoin, Moderator; Thomas Hancock, Esq.; James Pitts, Esq.; Benjamin Hallowell, Esq.; Sylvester Gardiner, Esq.

"DAVID JEFFRIES, Prop.'s Clerk."

The construction of the Court House being of three stories, and only one room appropriated to the County's use, indicates that it was intended also for a tavern for the accommodation of those attending court and the proprietors. The building is yet standing (1881), and occupied for a dwelling house by Mr. Goodwin, grandson of Major Samuel Goodwin, who was the Com-

"The proprietors of the Kennebec purchase from the late colony of New Plymouth," but the corporation was commonly known as the "Plymouth Company." Their headquarters were fixed at Boston, where all the meetings were held and where their records were kept.* Duplicate plans and records of grants were kept by their agents and surveyors at Kennebec.

pany's agent, and lived in the barrack of Fort Shirley, which was relinquished to the jailer. The house with a hip roof is conspicuous on the east side of the river, in Dresden, as seen from the Maine Central Railroad, above Richmond. On a recent visit, I saw some of the original pine shingles which covered the north, or then the back wall, and were removed after being on one hundred and eleven years, and were then so sound, although they never had been painted, that a part of them were relaid on a small building.

A few years ago Mr. Goodwin removed the foundation of the "easternmost blockhouse of Fort Shirley," which was the jail. In so doing he found a timber vault, built very strong—dovetailed at the corners, which he supposed was the magazine of the fort. As the building was last used for a prison, I think it was the dungeon—perhaps it had been both. There is a tradition that the first person hanged in the State was on a gallows which stood on a knoll north of this timber jail.

Another spot of interest in Dresden is the foundation and churchyard of St. John's Episcopal Church, and the cellar and well of the parsonage—the home of its only Rector, the Reverend Jacob Bailey, a graduate of Harvard in 1755, having for classmates President John Adams, Governor John Wentworth, of N. H., and several others of equal distinction. Like Wentworth, and unlike Adams, Mr. Bailey took the side of the mother country in the Revolutionary struggle, and was driven from his parish because he insisted on using the full ritual of the English Church in the service, and died in exile. The site of the church, parsonage and its large garden is less than a mile from the old court house. It is overgrown with trees and bushes, and the inscribed headstones have been removed from the churchyard. An aged lady of the vicinity remembers when the shrubs of the desolate garden were sought to ornament others at a distance. The history of the reverend gentleman's eventful life has been faithfully and pleasingly written by the Rev. William S. Bartlett, in a volume entitled "The Frontier Missionary."

*Their meetings were usually held at "the Royal Exchange Tavern, King Street," kept by Capt. Robert Stone. In 1765, it was kept by Seth Blodgett.

At the commencement of the Spanish war of 1741, Governor Shirley, who had just received his commission, enquired into the state of the frontier defences of his Province. The strong probability (which soon became a fact) that France would join Spain, alarmed the people of Maine, as that would be sure to include the Indians. In the twenty years of the existence of Fort Richmond it had become decayed, and in 1741 it was decided to rebuild it in enlarged form.*

Meetings were sometimes adjourned to be held "at the Sign of the Royal Exchange." In 1768, a meeting was held at the "British Coffee House, King Street." A few years previous, one was held at the "Bunch of Grapes Tavern."

*The government agent for the rebuilding was Capt. John Storer, of Wells. The officers of the garrison were John Minot, of Brunswick, Captain; Capt. Joseph Bean, Lieutenant, and Indian interpreter; "Rev. Stephen Parker" was probably Chaplain, as goods from the truckhouse are charged to him, and the Province is charged with a window put in his room. An armorer was one of the garrison. The government was obliged to keep an armorer at each of the principal frontier forts to repair the Indians' guns. There was a truckhouse kept at the fort, in charge of a provincial officer, called a truck-master, who was supplied by the Commissary General, at Boston, with goods to barter with the Indians, for their furs—to pay the four or five Indian pensioners, and to sell to the settlers. Capt. Minot was also truck-master. The late John McKeen, of Brunswick, obtained at Mare Point a small account book kept by Capt. Minot at the truckhouse, during the years from 1737 to 1742. Parts of the book are missing, but the remainder is valuable, as it shows the kinds of goods dealt in. The prices would have an interest if they were not given in a depreciated currency, which was continually becoming more so. Captain Minot was afterwards a Judge of the Court of Common Pleas. Rev. John Wiswell, minister of St. Paul's Church, Falmouth (1764), married his daughter Mercy. His account book contains the names of the soldiers of the garrison, those of the Indian pensioners (who were allowed, some ten and others fifteen pounds annually), one of whom was Quinoius, the Norridgewock Chief, who spoke for his tribe in the conference with the commissioners at St. George's Fort in 1752. Also the current accounts with most of the settlers and business men on the river below,

In September, 1750, with a garrison of only fourteen men, the fort was attacked by 100 Indians, but, under cover of darkness the next night, it was relieved by a small party under Capt. Samuel Goodwin, who was one of the Plymouth proprietors, and their agent.

Although the treaty of Aix-la-Chapelle was concluded with

several of whom subsequently became prominently known in provincial history.

Among the charges in Minot's book are goods "given to the Indians by order of the Government," frequently repeated. The Province is charged with goods "*damnified* in the trade," and is also charged with "two hogsheads of spring beaver shipped pr. Captain Saunders." Another charge to the Province is "for building an Indian house 18 × 16 feet."

In 1739, Puckanumbamet, an Indian, is charged with "so much paid a young man you killed his horse." The soldiers seem to have had the privilege to work for themselves when not on scouting or guard duty. Richard Collar, a soldier, is credited "by 800 rails and 22 posts, sent pr. Capt. Saunders to Governor Belcher." They also split out large numbers of "oar rafters," which were shipped. These were ash sticks to be finished into oars. "Province of Massachusetts Bay to sundries given to sixty Indians when they went to the treaty at Georges pr. Capt. Oulton's consent and advice." "To sundries given them last winter, in an extreme time of difficulty, in January." Capt. Storer, while rebuilding the fort, is charged with the services of James Coller in "dressing victuals for the men. He also brewed for them."

Something of the number and extent of the buildings at Fort Richmond may be learned from these items in Minot's charges to the Province.

1741. "To 196 mugs of Phlip at 1s. 2d."

"Rum more, given the men at raising the works,
gun room, truckhouse, &c. I charged at 2s. 8d. pr. quart."

In 1759, the inhabitants of Frankfort petitioned the society for the propagation of the Gospel for a missionary to be sent to them. They said, "As soon as we enjoy the blessings of peace we shall build a church, and in the mean time we can have Richmond Fort for an house for the minister, the chapel belonging to it for Divine service, and the farm around it for a glebe." At the time of the rebuilding of the fort, Capt. Minot mentions the bringing of a gondola load of bricks from Arrowsic, and charges the Province with "ten hogsheads of lime received of Capt. Savage, at Pemaquid."

the French two years before, the Indians continued their raids until 1751, when commissioners of the colonies met the Indians at St. Georges Fort, in August, and the treaty was confirmed. The Plymouth Company soon began to think of pushing the settlement of their lands while there was a peace with the savages. In September, only one month after the St. Georges treaty, the Company held a meeting and decided to lay out two townships for settlement. About this time, according to their records, the ship "Prissillah" and other ships had arrived in Boston from Germany, with emigrants, some of whom had not paid their "freight." A colony of Germans was already commenced at Broadbay, which probably suggested to the Plymouth proprietors the project of a similar settlement on the Kennebec.*

In December of the same year (1751), the Company voted that the first of the two townships should be laid out on the

* General Samuel Waldo's son Samuel was sent by his father to Germany, to obtain settlers for the Waldo patent, and issued a circular at Frankfort on the Main, dated March, 1753, in which he names the German settlement at "Broadbay" (now Waldoborough), and also "*Germantown*."

In Dr. Gardiner's bill of charges for money paid and other items, "the Germans" are frequently mentioned.

In September, 1752, he charged for "horse hire for Goodwin (the Company's agent) to go to Germantown." "November 10, paid Wilson (a coasting Captain) freight of 46 French and Germans." "Paid boat hire and two men three days to bring them from Germantown." "Paid Peter Wills (a German interpreter) for his attendance on them." From these charges I infer that a part of the French and Germans (who were driven here by the revocation of the edict of Nantes) went first to Germantown, and that Peter Wills, who was in the employ of the Plymouth Company, prevailed upon them to go to Frankfort on the condition that their passage from Boston should be paid by the committee. Germantown was a rival settlement. There is a charge for "flax for the French shoemaker," and for "an iron pot for the stocking weaver at Germantown."

The descendants of many of these Germans and French are still living at Dresden.

eastern side opposite Fort Richmond. "Voted that this proprietee will build a defensible house 400 feet square, for the greater security of the settlers." "And whereas a number of German protestants are lately arrived from Germany, that such of them as will settle in the township aforesaid, have granted them one hundred acres of land." A vote was also passed to supply them with provisions through the winter and spring, on one year's credit, and that the township should be called Frankfort. On the thirteenth of December, 1751, it was "voted" that as soon as twenty men appear to go to settle in the township of Frankfort, on the terms to be agreed upon, that the committee (Dr. Sylvester Gardiner, Maj. Nathaniel Thwing and Mr. William Bowdoin) get a vessel to carry said men down, and begin to make the defensible house. This defensible house was completed the next summer, and was afterwards named "Fort Shirley" in honor of the Governor. It was called "the defensible house" in the records until 1757, when the name Fort Shirley occurs.*

*BOSTON, April 27, 1757.

To the HON. JOHN WHEELWRIGHT, Commissary General :

*Sir :—*We are informed you have appointed several of the company destined for the protection of the eastern country to march from Frankfort eastward and westward, and as Fort Shirley, at said Frankfort, is a place of security for the stores and provisions, and of security for the soldiers, we take this opportunity to acquaint you that said Fort Shirley is at the government's service for the uses aforesaid, reserving only two small apartments for Capt. Samuel Goodwin, who has the care of the affairs of this proprietee.

We are your humble servants,

CHARLES APTHORP,
JAMES PITTS,
SYLVESTER GARDINER,
BENJ. HALLOWELL,
THOMAS HANCOCK,
WM. BOWDOIN.

In 1757, 260 men were ordered by the General Court to be raised to scout from Salmon Falls to St. Georges.

The Kennebec had for many years been a highway for the Indians, between Canada and the seacoast. It interlocks with the Chaudiere, which falls into the St. Lawrence, with a carrying place of about four miles between the two first-named rivers. The Indians acknowledged allegiance to the civil and religious authorities at Quebec, and there all their councils of war were held and their plans perfected. To reach Quebec, the Penobscots came by a chain of ponds and streams from the Penobscot to the head of the Seabasticook, and down that river to the Kennebec, and thence over the same route with the Canibas tribe to Canada. In troublous times, the scattered settlements naturally looked for the hostile bands of savages to come from that quarter. The Indians usually began hostilities long before war was formally declared between England and France, and continued their raids as long after peace was concluded. Between 1675 and 1760, there were six Indian wars, during which there were thirty-five years of war.

Fort Richmond was the principal fort on the Kennebec, and all the territory comprised in the original Kennebec purchase lay above that fort, and could not be settled unless a strong fortress could be built, as an outpost, further up the river.* Unless that could be obtained, the Indian war, then imminent, would destroy all hopes of settling the Company's lands, which the proprietors had for some time entertained.

In February, 1754, Governor Shirley, of the Massachusetts Province received information from Capt. Lithgow, at Fort Richmond, that the French from Canada were building a fort

*In October, 1750, the Plymouth Company voted "to petition the General Court to remove Richmond Fort further up the river."

In December, 1751, a petition signed by the proprietors and inhabitants of the Plymouth Company's patent, for the better defence of the inhabitants, was presented to the General Court.

at the portage between the Kennebec and Chaudiere. The Governor immediately ordered Capt. North, of the Pemaquid fort, to proceed with an armed force to the portage, and in His Britannic Majesty's name order off, as trespassers, any armed party who might be there. Capt. North's instructions were dated February 8th, in which he was urged to proceed with expedition, so that he could return in season to lay the result before the General Court in March. About the same time a large party of Indians appeared at Fort Richmond, using threatening language, which were suspected to be spies from Canada. This served to increase the alarm, and the House of Representatives declared their readiness to use force to break up any settlement the French might attempt at the great carrying place, and requested the Governor to proceed to the Kennebec with 500 men for that purpose, and also to erect a fort of about 120 feet square, as far above Fort Richmond as he judged expedient, and to dismantle Fort Richmond.

As a fort at Taconnet could not be safely erected and maintained, unless there was another at the head of the tide to store the supplies, the Assembly, with the Governor, concluded to make the Plymouth Company the following proposition, which, by the company's records, appears to have been considered and agreed upon two weeks previous :

“BOSTON, April 16, 1754.

“GENTLEMEN :—The Great and General Assembly of this Province, having in their present session, by their message to me, desired that I would order a ‘fort to be erected, of about one hundred and twenty feet square, as far up the Kennebec, above Richmond Fort, as I shall think fit ;’ and whereas the placing such a new fort upon this occasion, near Taconett Falls, would contribute more to the defense of the said river, and protection of the settlements which already are, or shall hereafter be made upon it,

than erecting a fort at or near Cushenac, but would be attended with this inconvenience, that the depth of water in said river will not admit provisions and stores to be transported in a sloop, higher than Cushenac; so that it is necessary, in case a fort shall be erected at Taconett Falls, that a strong defensible magazine should be built at Cushenac for the reception of the government stores and provisions, in their carriage to the said fort. I think it proper to acquaint you, that in case you shall, forthwith, at the expense of your propiety, cause to be built, at or near Cushenac, upon said river as I shall order, a house of hewn timber, not less than ten inches thick, one hundred feet long, and thirty-two feet wide and sixteen feet high, for the reception of the Province stores, with conveniences for lodging the soldiers who may be placed there by the Government; and will piquet in the same, at thirty feet distant from every part of the house, and build a blockhouse, of twenty-four feet square, at two of the opposite angles, agreeable to a plan exhibited by you to me for that purpose, and furnish the same with four cannon carrying ball of four pounds, I will cause the workmen who shall be employed in building the said house to be protected in their work until the same shall be finished, and will give orders, as soon as may be, for erecting a new fort at the charge of the government, of the dimensions proposed by the general assembly in their aforesaid message to me, above Taconett Falls, upon the above said river, for the protection of the settlements made, or which may hereafter be made, upon the same, and in the adjacent country, and use my best endeavors to cause the same to be finished with the utmost expedition.

I am, gentlemen,

Your friend and servant,

W. SHIRLEY.

“To the proprietors of the Kennebeck purchase from the late colony of New Plymouth.”

This letter shows that the project of building a fort at

Taconnet originated in the Plymouth Company. The Governor's language is conclusive evidence of it. He says, "agreeable to a plan exhibited by you to me for that purpose."

The records of the Plymouth Company show that the following vote was passed at a meeting of the Company, held on the third of April, twelve days before "the general assembly" authorizing the Governor to make the proposal to the land company:

"Voted, That in case the General Court of the Province of Massachusetts Bay shall, at their present session, come to a determination to build a fort at Taconnet, upon Kennebeck River; that then this proprietee will (if desired by the government), at the time of their building of the fort above mentioned, build or cause to be built, at or near Cushenock, as the Governor shall order, a house of hewn timber not less than ten inches thick, one hundred feet long, thirty-two feet wide and sixteen feet high, for the reception of the said Province's stores, with conveniences for lodging the soldiers who may be placed there by the government; and will picquet in the same at thirty feet distance from every part of said house, and build a blockhouse of twenty-four feet square at two of the opposite angles, agreeable to a plan ready to be exhibited when it shall be called for, the government protecting the people while building said house."

A building committee of five were chosen at the same time, of which Robert Temple, Esq., was Chairman.

It will be noticed that the language used by the Governor in the description of the house to be built by the Plymouth Company is the same as that of their vote of the third of April.

The Plymouth Company at this time consisted of some thirty members, who owned a large or small number of shares. Several of them were the most wealthy and influential men of the Province; some were officially connected with the government.

Among its members were judges, merchants and baronets.* In fact, this corporation might, with almost as much truth, exclaim as did Louis XIV, "I am the State."

Sullivan, in his history of Maine (1795), says of the Plymouth Company, "They had great influence with the Government; to them Governor Shirley was very attentive."

The Company did not take much time to consider the Governor's letter, proposing the erection of the forts, but at a meeting of the proprietors the next day, they promptly accepted the proposal, after re-considering the vote of April 3d, and voted to erect the fort at Cushenoc, and chose a superintending committee, consisting of Thomas Hancock, Doctor Sylvester Gardiner, James Bowdoin and William Bowdoin, all of Boston.

On the twenty-fifth of April, the Governor, at the request of

*On the 24th of January, 1753,

"*Voted unanimously*, That this proprietee have a common seal, and that a seal cut by Mr. Thomas Johnson, representing an anchor with a codfish across the same, with the following motto, *Nee Trustra Dedit Rex*, be the seal, and kept by the clerk of this proprietee for the time being."

The Plymouth Company were continually in litigation, as the Court Records of Cumberland and Lincoln and their own records show. John Adams, afterwards President, and other leading lawyers of Massachusetts, were frequently in attendance at these courts, to prosecute or defend the Company's suits. Several cases were appealed to the "King in Council."

The case of Jeffries against Col. Donnel, of York, was so appealed, in which the Company was the actual plaintiff. Florentius Vassall was one of the Company, and its Agent in London. Thomas Goosetrey, of London, was their Attorney, and "Mr. Forester" his counsellor. The whole of the papers were printed. The printing of the appendix alone, cost fifteen pounds sterling. One bill of the Attorney against the Company contained 182 items, and amounted to 351 pounds sterling. The reading of this bill of items gives one a good knowledge of the forms, petty fees and delays of an English Court of the time. The appeal was presented in 1767, but the decision was not reached until 1770, which was in favor of the land company.

the Company, ordered Capt. North, of Fort Frankfort, to send a well armed force to Taconnet Falls, to observe what timber may be there suitable for building a fort. A few days previous, Capt. Joseph Bane, of York, had been ordered by the Governor to ascend the river and ascertain if the French were fortifying at the carrying place between the Kennebec and Chaudiere, and to observe the river, with the view of transporting stores between Cushenoc and Taconnet.

In compliance with the vote of the assembly, the Governor decided to visit the Kennebec, but having a rupture with the Indians, he invited the Norridgewocks and Penobscots to meet him and the Commissioners of New Hampshire, at Falmouth, in June, for a conference and a renewal of treaties. The real object was to obtain their consent to the erection of the proposed forts. The Governor at first decided that 500 men should compose the force for the expedition, but from some reports from Nova Scotia, he increased the number to 800. In the archives of Nova Scotia is a letter from Governor Shirley to Sir Thomas Robinson, Secretary of State of England, which explains the cause of this increase of the force. It is dated Boston, twenty-third of May, 1754, and is as follows:

“I propose to set out for the eastern parts of this Province in about seventeen days, with a party of 500 men, which is to proceed up the river Kennebeck, in quest of the French fort or settlement said to be erected there in the summer before last, of which I had the honor to acquaint the Rt. Hon. the Earl of Holderness, in a former letter, and to cause a fort to be built about sixty miles up the river, and to have an interview with the Norridgewock, Penobscot and Arregunticook Indians, at Falmouth, in Casco Bay. But if the advices are well founded which I have received this morning from Halifax and Annapolis Royal, that some of the rebel inhabitants of Schiegnecto, together with the Indians of the Peninsula and St. John's River, through the influence of the French garrison

at Beausejour, are engaged in an enterprise to break up all the eastern settlements of this Province as far as the river Kennebeck, where it is suspected they are gone, the force which is raised to proceed with me will not be sufficient to execute the design I go upon."

The Secretary replied under date, White Hall, July 5th. He said: "I have the King's orders to repeat his Royal approbation and encouragement already signified to you in my letter of the twenty-first of June, not doubting but that you will continue the same zeal and vigor, which you and the government under your care have begun in defense of the just rights and possessions of His Majesty's crown." This letter enclosed the copy of an order to Lieut.-Governor Lawrence, of Nova Scotia, to co-operate with Governor Shirley, in removing the supposed French encroachments, and not until the eleventh of November did Governor Shirley inform the Secretary that the rumor was unfounded, relating to the intentions of French and Indians of Nova Scotia. He then takes only one line of a long letter to the Secretary, concerning the French fort at the head of the Bay of Fundy, to say "that the absence of the French and Indians of Nova Scotia proved to be a mistake."

The falsity of both of these alarming reports—that of the French settlement and fort at the great carrying place between the Kennebec and the Chaudiere, and also that of an intended invasion from Nova Scotia, would seem to imply that the whole was a ruse of the land Company to induce the government to build a strong fortress near their most remote boundary. If this was a fact, Governor Shirley must have known of the deception, and favored it, or was deceived himself months before any action was taken. The probability of the latter his reputation for sagacity contradicts.*

* The Plymouth Company's records show that on the eleventh of December, 1754, before Fort Halifax was completed, a proprietor in the Company,

That the House of Assembly should be easily deceived in the matter is not improbable, as it had been long surmised, and finally was proved to be a fact, that the French, whose colonial seat of power was at Quebec, were preparing to make a desperate effort to regain Nova Scotia, and to seize the eastern outposts of Maine and prevent the English from invading Canada. To accomplish this they had, almost unknown to the English colonies, erected a chain of forts at strong points, from the head of

who owned 3,200 acres of land immediately below the fort, of which he received a grant from the Company the same day, and from which the usual settling conditions were removed two months after, "*for great services done this proprietee*," as alleged in the vote, conveyed to Governor Shirley, eight shares of the 192, in the Company's lands and securities.

Were these eight shares conveyed to Governor Shirley as attorney's fee? He was a practicing lawyer in Boston.

The extract below shows that the Governor had a fatherly care for the interest of his children. It is from the Nova Scotia Archives.

Extract from a letter from Governor Shirley to Governor Lawrence of Nova Scotia, relating to the expedition to drive the French out of that Province. It is dated Boston, January 6, 1755:

"Your Honor hath, I perceive, given Colonel Moncton (who was enlisting men, ordering supplies and transports in Boston,) unlimited credit upon Messrs. Apthorp and Hancock, and he looks upon himself confined by that to those gentlemen for every article to be provided for this expedition. * * * My kindness still remains for them, and we are upon exceedingly good terms; but as I have a daughter lately married to a merchant here, who is a young gentleman of extreme good character, and for whose fidelity and honor in his dealings I can be answerable, of some capital, and eldest son to a merchant of the largest fortune of any one in Boston, I think I shall not do anything unreasonable by Mr. Apthorp and Hancock, if I request your Honour to let my son-in-law, Mr. John Erving, be joined with them in furnishing money and stores for this expedition upon the same terms they do."

The register of King's Chapel shows that Robert Temple, son of the elder Robert, who had deceased, was married to Harriet Shirley, daughter of the Governor, one month after the movement in the House of Representatives to build Fort Halifax. Young Robert Temple was by inheritance a large proprietor in the Plymouth Company.

the Bay of Fundy along the frontier nearly to New Orleans, several of which were on admitted English territory. To remove some of these encroachments, the next year Braddock's expedition was set on foot, which so signally failed by his folly of attempting to maintain English army tactics, in an Indian fight in a wilderness, a large part of his forces being colonial troops, used only to bush fighting. Rumors of this French activity were brought to Boston, consequently the House, many of whom were from the remote towns of the Province, were ready to believe any reasonable report, cunningly invented and judiciously circulated. I did not, at the commencement, intend to unsettle colonial history which has been accepted for a century and a quarter, but these possibilities, if not probabilities, forced themselves upon my consideration as I proceeded, that Fort Halifax was projected by the Plymouth Company to further the settlement and add to the value of their lands.

Governor Shirley decided to give the command of the troops and mechanics of the expedition to Capt. John Winslow, who was made a General of the Province. He was the great grandson of Edward Winslow, who came in the *May-flower*, and who commanded the party who made the trading voyage to Kennebec in the shallop, 130 years before. Edward Winslow, who was one of the four who bought the Plymouth patent in 1661, was a brother of General John Winslow. The family yet owned a large interest in the Plymouth Company, and of course Gen. Winslow was earnest in the erection of the fort, from family interest. Who and what he was can best be learned from a letter on file at Halifax. It was written by Governor Shirley to Lieut.-Governor Lawrence, of Nova Scotia. It is dated at Boston, January 6, 1755, and relates to the intended expedition for the reduction of the French Fort Beausejour, at the head of the Bay of Fundy. Shirley held a Colonel's

commission in the British army, and had received orders to recruit his regiment to the full number for that expedition. He says: "I shall give the Lieut-Colonel's command to Capt. Winslow, late of Phillips's regiment, who had the chief command of the late expedition upon the Kennebec river, under me, and is extremely well qualified for the present service. He hath the best reputation, as a military man, of any officer in this province, and his character in every respect stands high with the government and people, and he is peculiarly well esteemed and beloved by the soldiery, so that I greatly rely upon him for success in raising the men."

General Winslow was popular as an officer, and of course was not long in enlisting the required force of 800 men for the expedition. They embarked at Boston in transports for Falmouth, now Portland. The Governor, with a quorum of the Council, the Speaker of the House, with several of its members and several other gentlemen connected with the colonial government, also Col. Mascarene, Commissioner from Nova Scotia, all embarked at Boston, on board the Province frigate Massachusetts, of twenty guns, for the same place. The industrious journalist, Parson Smith, recorded their arrival and every day's movements while there, and his own preparations to receive them. Of course it was quite an event in the little town of not over 150 families. The reverend gentleman's first mention is:

"June 18. We have been painting and fitting up our house for the treaty which is approaching.

"June 21. The Norridgewock Indians came here—forty-two in all, and twenty-five men.

"June 24. Several transports that have the soldiers for Kennebeck got in to-day.

"June 25. Eight hundred soldiers got in and encamped on Bangs' Island.

"June 26. The Governor got in this morning. P. M. Came on shore and lodged at Mr. Foxes.*

"June 27. The government dined at the Court Chamber.

"June 28. Yesterday and to-day we had a vast concourse dined us at our expense.

"June 29. The gentlemen yesterday met the Norridgewock Indians, and to-day proposed to them the building of a fort at Teuconic.

"June 30. Sunday, Parson Brockwell preached in the forenoon and carried on in the church form.†

"July 1. The Norridgewock Indians gave their answer and refused the fort's being built at Teuconic.

"July 2. The treaty was signed between the Governor and the Norridgewock Indians.

"July 3. The Indians had their dance; three of the Indians went to Boston and the rest returned home.

"July 5. The Penobscot Indians came—fifteen men, and the government met them in the meeting house.

"July 6. The treaty was finished; seven gentlemen went up the bay and the others to Boston." ‡

*Jabez Fox, who had been one of the Governor's Council three years. He was the son of Rev. John Fox, of Woburn, whose wife inherited an interest in the Plymouth Company from her father, Edward Tyng, one of the four purchasers of 1661. Jabez Fox had been employed by the Company as a land surveyor. He was sick at the time of the Governor's arrival, and died April 7, 1755, aged fifty. He occupied one of the best houses in the town, on the west side of Exchange Street.

† Rev. Charles Brockwell, assistant minister of King's Chapel, Boston, where Governor Shirley worshiped. He came as Chaplain to the Governor and Council.

‡ These treaties are preserved in the archives at Boston. They were drawn on very large sheets of parchment, elaborately ornamented, and colored, probably to impress the Indians with their sanctity. All the gentlemen connected with the government, and the Commissioners from New Hampshire and Nova Scotia, signed them. The Indian signatures are hieroglyphics, effi-

July 8th, Rev. Mr. Smith mentions, "The ship sailed with Mr. Danforth, Oliver, Bourn, and Hubbard from us, and the whole body of representatives." The ship referred to was the Frigate Massachusetts. Mr. Hubbard was Speaker of the

gies of some bird, beast or fish, with their Indian name annexed, written probably by the Secretary of the Province, who was a clerk of the Council. Sacred as these treaties were considered, they were soon broken.

The seven gentleman who went up the bay, as mentioned by Mr. Smith, were probably Gen. Winslow and the committee of the Plymouth Company, to build Fort Western. They undoubtedly went up New Meadows River, and walked across to the Androscoggin, where a boat was waiting to take them to Cushenoc, by the way of Merrymeeting Bay. It was by this route that the express was established the next year.

Articles of agreement indented and made the sixth day of July, A. D. 1754, between Capt. Isaac Ilsley, of Falmouth, in Casco Bay, in the Province of Massachusetts Bay, carpenter, on the one part, and his Excellency, Wm. Shirley, Esq., Governor of said Province, of the other part, as follows, vizt: The said Capt. Isaac Ilsley covenants, promises, and agrees to and with the said Wm. Shirley, that he will, on the ninth day of July instant, proceed with twelve other persons, all carpenters, whom he hath engaged for that purpose, to Kennebec River in a schooner, or other vessel, to be hired by the said government, and there continue with the aforesaid twelve other persons, for the space of two months, to be employed in helping to build a fort, to be erected at or near Taconnet Falls, or such other place upon, or near said river, as shall be judged most convenient by Maj. General Winslow. The said Ilsley and his four apprentices, being five of the twelve, at the rate of 9 pounds old "tenour" per day. Six others, 30 shillings old tenor each, and John Tomes at the rate of 45 shillings, together with the Province's ordinary allowance of provisions and drink. To commence on the ninth of July, to continue until they return to Falmouth.*

(Signed,) WM. SHIRLEY,
PAUL MASCARENE,
JOSEPH CALEF.

Ilsley's bill, which is on file, is dated the twenty-eighth of September, being 82 days each for himself and twelve men, amounting to 1600 pounds, 10 shillings.

* Mr. Ilsley was often employed as Captain of scouting parties. He was the ancestor of all of the name in Portland and vicinity. He was at the taking of Louisburg, in 1745. He died in 1781, aged 78.

House. The following letter by Governor Shirley to the Secretary of State, explains why the ship returned to Boston. It is dated at

“FALMOUTH, CASCO BAY, July 8, 1754.

“SIR:—The Speaker, to whom I am much obliged for his assistance in the public business here, and the pleasure of his company, both of which I shall miss upon his leaving me, doth me the favor to be the bearer of this.

“As he is able to give you a perfect account of the issue of the conference with the Indians who met me here, and the result of the interview, I refer you to him for it. It hath been, I think, favorable beyond even our expectations, and may, I hope, have good consequencys for the tranquillity of the Province, and the general service. It certainly will if Indian faith may be in the least depended upon. Mr. Danforth, Mr. Oliver, and Col. Bourn, are to embark this day with the Speaker, and some other gentlemen of the House, for Boston. Mr. Fox is extremely ill, so that there will be wanting four gentlemen of the Council to make up a quorum upon any emergency of public business. I must therefore desire you to let Mr. Wheelwright, Mr. Chever, Cols. Minot, Weston and Lincoln know that their attendance upon it here will be requisite, and that I hope they will not fail of letting us see them here as soon as may be. They will have an opportunity of coming in the ship which I have ordered to wait upon the gentlemen of the Council and Mr. Speaker, and the gentlemen of the House who go up to Boston, and to attend upon Mr. Wheelwright and the other three gentlemen, to bring them hither.

“I hope you will transmit to me what public letters or accounts of public affairs you shall judge proper to be communicated to me here, from time to time, how matters go on, and to revive your letters upon any subject.

“I am with truth, sir, your faithful friend and humble servant,
W. SHIRLEY.

“To Hon. Secretary WILLARD.”

July 14th, being Sunday, Parson Smith mentions :

"Mr. Brockwell preached; he gave great offence as to his doctrine. Our fishermen have all fled home, alarmed with the news of a French war proclaimed at Halifax."

Parson Smith continues :

"July 19th. The ships returned. Mr. Wheelwright, Lincoln and Minot of the Council, Hancock and others."

This was Thomas Hancock, chairman of the committee of the Plymouth Company for the construction of the fort at Cushenoc.

The journal continues :

"July 23d. The Governor dined at Col. Cushing's—the rain prevented me."

"28th. Capt. Osborn sailed for Boston, having paid me near one hundred pounds for my house."

"August 30th. The Governor and the gentlemen with him sailed in Saunders * for Kennebec."

Parson Smith records: "Sept. 3d. The Governor returned from Kennebec." It will be well to note that Mr. Smith mentioned on the thirtieth of August that the Governor, and gentlemen with him, sailed for Kennebec. The date of his return shows that he had been absent only four days.

The Governor wrote the same day from Falmouth, to Secre-

* This Capt. Saunders deserves a special notice, as he had much to do in supplying Fort Halifax in after years. His name appears on all occasions where there is any freighting to be done for the Province. He commanded the armed sloop Massachusetts, which was constantly in commission. Thos. Saunders was an inhabitant of Gloucester, Cape Ann. His name appears in the Province service in 1725. At the siege of Louisburg, in 1745, he commanded the Province sloop of war, and received a special letter of thanks from Commodore Warren. In 1761, he was sent by Governor Barnard to convey Prof. Winthrop, of Harvard College, to New Foundland, to observe the transit of Venus. We shall meet him often in this sketch. He died in 1774, aged 70.

tary Willard, "I finished my business at the two places, Cushe-noc and Taconett, and arrived at this place last night, having, for the sake of expedition, proceeded from Taconett to Falmouth in the Castle pinnace * and left the sloop to follow me with several of the gentlemen."

In the Governor's letter to Secretary Willard he referred him to the Governor's son,† who had accompanied the expedition to the head waters of the Kennebec, and was the bearer of his father's letter. On his arrival in Boston, young Shirley com-

*The only "castle" within the Governor's jurisdiction was Castle William, Boston Harbor, now Fort Independence, and the "Castle pinnace," in which the Governor came from Kennebec, was probably the small vessel used by the officers of the garrison to go up to town. She would now be called a yacht. How the pinnace came to be at Kennebec, is, I think, explained by the following circumstance: The Council records mention the sending of a dispatch by express to Governor Shirley, while he was in the eastern country. Accompanying it was an order to Enoch Freeman, Captain of the fort at Falmouth, saying that, if the Governor was gone to Kennebec, to forward the dispatch to him there. The Castle pinnace was probably a fast vessel, and as nearly all communication with Maine was then by water, she was sent as a dispatch vessel. On her arrival at Falmouth, Capt. Freeman undoubtedly thought the most expeditious way to convey the dispatch, was to send the same vessel to Kennebec with it. We have seen that the letter from Sir Thomas Robinson, Secretary of State, to the Governor, was dated at London, July 5th, and it will also be recollected that the Governor, in his letter of July 8th, directed Secretary Willard to forward to him all dispatches of a public nature while he was absent. Probably Sir Thomas Robinson's dispatch to the Governor was brought by the Castle pinnace to Kennebec.

† From Council records, page 281 :

"FALMOUTH, August 29, 1754.

"The forces being returned from their march to the head of Kennebec River, the result of which you will hear from my son, I shall be at Boston in less than a fortnight.

"JOSEPH WILLARD, ESQ.

WM. SHIRLEY."

If there is any necessity for issuing papers I will send power of attorney.

municated the result of the march to the newspaper, by which it is preserved for us.

From the *Boston Gazette* of Tuesday, September 8, 1754:

“On Saturday last, John Shirley, Esq., son of His Excellency, our Governor, arrived here from Falmouth in Casco Bay, by whom we have the following account, viz: That the forces under General Winslow set out from Teconnett with something more than 500 men and 15 battoes, on the eighth of August past, but after proceeding two days up the river, the General was taken so ill that he was obliged to return, leaving the command, with the instructions to him, with Col. Preble, who on the 10th, at nine in the morning, proceeded with thirteen battoes, one-half the men on one side, and the other half on the other side of the river, and on Tuesday, the thirteenth, arrived at Norridgewalk, which is thirty-one miles above Teconnet, beautifully situated, near 400 acres of clear land, on which the grass is generally five or six feet high. Here they found six Indian men, three squaws and several children, who appeared at first surprised to see such a number of men and battoes so far advanced into their country, but after they were told by Col. Preble that they had nothing to fear from him, that none of his men should hurt the least thing they had, nor go into their houses, and that Governor Shirley had ordered they should be treated with civility and kindness, they appeared well satisfied and were kind and friendly; and Passequeant, one of their chiefs, presented him with two fine salmon, and some squashes of their own produce, and were all very free in drinking King George’s and Governor Shirley’s health, and told him he was welcome there. They camped that night half a mile above the town, and the next day, leaving the battoes there with a detachment sufficient to guard them, they proceeded on their march to the great carrying place between Kennebec and the river Chaudiere, where the French were said to be building a fort, and arrived there on the eighteenth, which is thirty-eight miles and three-quarters above Norridgewalk,

a few miles below which they met three birch canoes with eight Indians in them, who had lately come over the carrying place, and as they supposed from Canada. The Indians were much surprised on discovering the party, and endeavoured to return up the river with their canoes, but the rapidity of the stream prevented their speedy flight, on which they run the canoes on shore, on the opposite side of the river, caught one of them up and ran off into the woods, leaving the other two on the spot, and made their escape to the carrying place, and so returned to Canada, to carry intelligence, as Col. Preble supposed, for he tracked them in his march across the said carrying place; the course of which from the head of the Kennebec River is due west, and the distance three miles, three-quarters and twenty-two rods, to a pond about two miles long and one and a half miles wide; beyond that there is another carrying place of about one mile, which leads to another pond, that runs into the Chaudiere.

“They returned from the first mentioned pond the same day, and came to Norridgewalk the twenty-first of August, early in the day, where they found Capt. Wright and the detachment under his command all well, and thirty-five Indians, old and young, who, upon the knowledge of Colonel Preble’s return, dressed themselves up in their way very fine, *by putting on clean shirts and painting and decorating themselves with wampum*. They saluted him with a number of guns and three cheers, and then a number of them waited on him at the camp, welcomed him back, and seemed to express a good deal of satisfaction at his return.

“After drinking King George’s and Governor Shirley’s health, they invited him to their houses, and ten or twelve of their chiefs desired a short conference with him; and after having cleared the house of young men, who diverted themselves, meanwhile, playing ball, &c., told him that he had passed and re-passed through their country, they were glad to see him come back, and he was heartily welcome; and they had told him, before he went, there was no French settlement at the carrying place, and since he had been

there and found it so, hoped he would now look upon them as true men ; and that we were now all one brothers ; and if their young men should get in liquor and affront any of the English, hoped we should take no notice of it, that they were determined to live in friendship with us ; and if the Canada Indians had any design to do any mischief on our frontiers, they would certainly let us know it ; and if any disputes arose betwixt the French and us, they were determined for the future to sit still and smoke their pipes.

“The Colonel told them the resolution they had taken would be very pleasing to Governor Shirley, and as long as they kept their faith with us they might depend on being treated as friends and brethren, and be supplied with all the necessaries at Teconnet, which would be much more convenient than at Richmond ; all of which they told they liked very well ; and were sorry they had no liquor to treat them with, but desired he would see their young men dance and they ours, which they said was a token of friendship, and was accordingly performed.

“Next morning, on the Colonel’s taking his leave of them, they wished him safe to Teconnet, and saluted him with thirty or forty small arms, as fast as they could load and discharge.

“The army arrived at Teconnet on Friday, the twenty-third of August, at five o’clock in the afternoon, having been sixteen days on the march [History of Augusta says ten]. As to the course of the river into the country, it must be referred until a plan of the same, which has been taken by a skillful surveyor, shall appear. The soil, for the most part, is extremely good and appears to be fertile. There are many beautiful islands in the river, some of which contain near a thousand acres of intervale ; but the land is not plentifully supplied with timber.

“The navigation to Norridgewalk is considerably difficult by reason of the rapidity of the stream and rippling falls, but ’tis likely will be much easier when the water is higher. There is but one fall above Teconnet Falls that is necessary to carry the battoes

around before we come to Norridgewalk, betwixt which and the carrying place the navigation is vastly better than below, there being only two falls to carry round, one of which, notwithstanding it is a mile in length, there is a plain beaten path; the other is not above thirty or forty rods."

Later historians all concur in the erroneous assertion that Governor Shirley accompanied the exploring expedition to the head waters of the Kennebec. It was brought about a little at a time, in this way.

Minot, 1803, II, p. 186, says:

"The Governor then (that is, after the treaty) proceeded to the building of the fort at Taconett Falls, and explored the river up to the great carrying-place between the Kennebec and Chaudiere."

Holmes, II, p. 202, three years later, says:

"The Governor proceeded to explore the Kennebec about forty miles above Norridgewog."

Williamson's history, 1832, II, p. 300, says:

"He [Gov. Shirley] proceeded to Taconnet and ascended the river as far as Norridgwock."

. Parson Smith, in his journal, notes: "Aug. 30th. The Governor sailed for Kennebec." In his revised edition of the journal, 1849, p. 229, Mr. Willis distrusts Mr. Smith's accuracy, and, to make the journal harmonize with later historians, says: "This date should be July 30."

In the History of Portland, 1865, p. 249, Mr. Willis still doubts the accuracy of Parson Smith, and asserts that "The Governor continued in this neighborhood until *July* 30th, when he sailed for the Kennebec, and proceeded to Teconnet and marked out the site of a fort."

The "Materials for a history of Fort Halifax," in Vol. VII of this series, contains an extract from Governor Shirley's message

to the House, October 18th, which is correctly copied, until it comes to the Governor's account of his visit to the forts on the last days of August, when like Mr. Willis, the editor seems to distrust the Governor's language and substitutes his own. He says, p. 176 :

"The Governor also states that with five hundred men he went up the river seventy-five miles to the great carrying-place, and explored both sides ; that the time occupied was ten days."

To set this right, it is only necessary to note the Governor's letter to Secretary Willard on his return, the vote of the Council advising his stay at Falmouth, and his message to the House, on the eighteenth of October ; of all of which copies are here given :

"FALMOUTH, CASCO BAY,* Sept. 3, 1754.

"Finding it necessary, too, for the public service upon which I came down here that I should visit the two forts at Cushenoc and Taconet before I returned to Boston, I sent for Capt. Saunders and embarked on board the Province sloop, on Friday, thirtieth of August, about five in the afternoon ; finished my business at those two places and arrived at this place (where I likewise have some business to settle) about ten o'clock last night.

Yours,

Mr. Sec. WILLARD.

W. SHIRLEY.

Council records, 25th July, 1754 :

COUNCIL AT FALMOUTH, COUNTY OF YORK, 27th July.

Resolved unanimously, That His Excellency stay in Falmouth until Major General Winslow's return from his march up to the head of Kennebeck River, and as long afterwards as His Excel-

*In the Provincial documents, when Falmouth, Maine, was mentioned, "Casco Bay" was annexed to distinguish it from Falmouth, a seaport in Barnstable County.

lency shall judge proper *upon the advice he shall receive from the march to the head of Kennebeck River.*

Governor Shirley's message to the House of Representatives October 18, 1754, relating to the erection of Fort Halifax, and the exploration of the river above :

"In compliance with a vote of the House, I raised eight hundred men and went to Falmouth, where I had an interview with the Penobscot and Norridgewock Indians, and caused the workmen to proceed to Taconnett with orders for five hundred men to go up the Kennebeck River and explore if there were any French settlements between that river and the great carrying-place on the Chaudiere.

"The place where I concluded to erect a fort was thirty-seven miles above Richmond, on a fork of land formed by the Kennebeck and Seabasticook, the latter emptying into the former about three-fourths of a mile from Taconnett Falls. It is computed to be not quite fifty miles from Penobscot and thirty-one from Norridgewock by water, and twenty-two by land, as measured by a chain.

"The only known communication which the Penobscots have with the river Kennebeck and the Norridgewock Indians, is through the Seabasticook, which they cross within ten miles of Taconnett Falls, and their most commodious passage from Penobscot to Quebec is through the Kennebeck to the Chaudiere, so that a fort here cuts off the Penobscots, not only from the Norridgewocks but also from Quebec, and as it stands at a convenient distance to make a sudden and easy descent upon their headquarters, is a strong curb upon them, as also upon the Norridgewocks. As the river is not navigable above Cushenoc, a storehouse must be erected there, which the Plymouth Company proposed to build there as per plan. The vote I accepted, and the Company have built such a storehouse, which will protect the public stores as well as offer inducements to settlers. I caused a road of communication between

Cushenoc and Fort Halifax to be cleared for wheel carriages, and transportation in one day will be rendered practicable.

"A plan of Fort Halifax shall be laid before you. It is capable of containing four hundred men, and being garrisoned with one hundred, is of sufficient strength to stand any assault which may reasonably be expected to be made on it by Indians or French with small arms.

"As it is overlooked by an eminence from behind within cannon shot, I should have chosen and *sent orders* to have it placed there, but finding, upon examination, that the carriage of stone sufficient for the foundation of a fort of the dimensions proposed would occupy three teams of oxen five months, and that it could not be completed until next summer and would have cost double, and considering the difficulty the French must have to transport cannon and mortars by land to attack it, there is but little danger of their attempting it. I ordered Major General Winslow to proceed in carrying on the fort upon the point of land where it is now built. General Winslow and his officers, in a council of war, unanimously fixed it as the best plot of ground near Tacconnet, and have no doubt it will answer every purpose. In the meantime, to avoid a surprise of this kind, I have caused a strong redoubt of twenty feet square in the second story, and picqueted round, to be erected on that part of the eminence which overlooks the country round, and mounted with two small cannon, two pounders, and one swivel, and garrisoned with a sergeant's guard of twelve men. It is large enough to contain five large cannon and fifty men.

"And after all this, and the opportunity I had of conferring with the General at Falmouth soon after his return from the march, I found it necessary for me to secure, in the most effectual manner, the execution of some principal parts of the service; to make a visit to Fort Western and Fort Halifax, which I did: and I think everything which could be proposed to be done within the time for which the troops were raised, is executed in the best manner it can be expected.

“The General’s journal, gentlemen, of the proceedings from the day of the troops sailing from Casco Bay, being the Fourth of July, to the time of their landing at Cushenoc, and his account of their proceedings afterwards to the end of them, and the state in which he left Fort Halifax, contained in his letter to me, dated on the twenty-first of September (copies of which the Secretary shall lay before you), will, I am persuaded, satisfy you how well the troops employed their time; and I should not do justice to the officers in general if I did not express to you my approbation of their behavior in the whole course of the service. But the extraordinary vigilance, activity and good conduct of the Chief Commander in every part of his command, and of the several officers in performing the several parts of their duty under him, particularly in the transportation of the cannon and military stores from Cushenoc to Taconnett, and the march from thence to the middle of the carrying-place and back to Fort Halifax merit an especial regard.

“As to the nine days which the troops remained encamped on Bang’s Island, from the time of their arrival at Casco Bay to the day of their embarkation for Kennebeck, I did not think it proper that they should proceed to execute any part of the intended service before I had finished the conference with Norridgewock Indians, though I had determined to have the march made to the head of Kennebeck River and half way over the carrying-place, and to have the forts erected at Taconnett and Cushenoc, whether they gave their consent or not; yet that might have given them or the French too much colour to have taxed us with stealing an opportunity to march through the country of the Norridgewocks and build forts upon the Kennebeck, whilst we had drawn them to Falmouth and engaged them in a treaty with us there. Such a reproach would have ill suited the honor of this government; wherefore, now we have obtained a formal treaty, not only to our doing this, but to making new settlements upon the river, to all of which they were ever before, and even at the beginning of the late conference,

greatly averse. And besides, I am persuaded that this appearance of the troops at Casco contributed not a little to our gaining this consent from them. * * Though the troops, gentlemen, found no French settlement to be removed, yet by their late march on both sides of the river Kennebeck to the head of it, and to the first pond on the carrying-place, you have probably prevented them from attempts to make one there. * * *

We see that the Governor remained at Falmouth during the time occupied by Gen. Winslow and his troops in the building of a part of the fort, the march to the portage and the making of eighteen miles of wheel road between the two new forts, being fifty-six days. With him was a quorum of the Council. The frigate Massachusetts was running as a dispatch and passenger vessel between Falmouth and Boston, for the accommodation of the Council and the other gentlemen connected with the government.

Governor Shirley also arranged an express route to Fort Halifax by whale boats, by which dispatches could be transmitted in twenty-four hours and return in twenty hours. This was probably by the way of Casco Bay and New Meadows River to Brunswick, thence through Merrymeeting Bay to the Kennebec. This became necessary, as the announcement was daily expected of war between England and France, which Parson Smith mentions as being already known at Halifax.

Before Governor Shirley left Fort Halifax, he appointed, as commander of the garrison, Capt. William Lithgow, who had for several years been in command of Fort Richmond, and had long been in the employ of the Province.

Some writers have severely criticised the selection of the site for Fort Halifax, but the Governor in his message gives good reasons for it. If it had been the work of the Governor, Lithgow would not have ridiculed it, as will after appear. General

Winslow was an officer of education and experience, and much better qualified than Governor Shirley as a military engineer. It will be recollected that the Governor said he had the best reputation of any officer in the Province. As to the mistake of erecting the fort where it was overlooked by a hill, it was no mistake at all. It *would* be now. Every fort on the Kennebec was overlooked by higher land near. It was a part of the original plan to have a redoubt on the hill, as shown by Winslow's draft. Col. Montresor, yet to be spoken of, was an educated European engineer, and would not probably look favorably upon the work of any Provincial officer. It was contempt for Provincial advice, given by Major Washington, his aid, that cost Gen. Braddock his life, and the nation the loss of 60 officers and 600 men, killed and wounded; but British officers finally came to respect the Provincial Major. After speaking disparagingly of Fort Halifax, Montresor frankly admitted that either of the blockhouses on the hill was "more than sufficient for protection against an enemy who had no other offensive weapons than small arms." Perhaps it would have been possible to transport very small cannon from Quebec, but no others. A besieging force by the way of the Kennebec, could not bring large cannon by water within twenty miles of Fort Halifax, and would be compelled to run the gauntlet of Forts Richmond, Shirley and Western, or capture them all in succession, and then the game would not be worth the cost to the French. Even Capt. Lithgow, after ridiculing the site chosen, was at last compelled to admit that it was best to finish it by the river. To find fault requires much less ability than to originate. Undoubtedly Winslow thought that a garrison of two hundred, which Lithgow said the fort would accommodate, could not be supplied with water in case of being besieged, on the top of a sand hill, 100 feet high, considering that a deep

well was required near the river. The second blockhouse was built to command a view of the river and to overlook the falls, where much fishing was done, and where a fishing party from the fort was attacked by the Indians. If the fort had been intended to, or would be compelled to withstand a siege, Winslow knew that with short notice a covered way could be constructed between the several parts of the fortress; this was a very common appendage to works for defence, at that day, especially where a small garrison was to be maintained.

The wilderness of the Kennebec had never resounded to so much bustle and activity as at the building of Forts Halifax and Western.* One condition required by the Plymouth Company in their agreement with government to erect a "defensible house" at Cushnoc, was that the Provincial forces should protect the Company's workmen while they were engaged in the building. To do this and shelter all, the timber and other materials were prepared under the guns of Fort Shirley at Frankfort, now Dresden. The fort was built by the Company and garrisoned by the Province. When ready for being put in place, the materials were built into rafts and floated up the river with the tide, but of course they needed much towing. Each raft must have an armed guard, for fear of an attack from the Indians, who looked upon the erection of the forts as an aggression, although some of the chiefs had reluctantly consented to it.

It must have required a large force to make the eighteen

*Fort Western was erected on the site of the original Plymouth trading house of 1629, and was a fortified stone house and dependence of Fort Halifax. The first year it was under the care of Capt. Lithgow. He enumerates it, in his letter to Lieut.-Governor Phips, as one of the several posts he is obliged to garrison.

miles of wheel road between the two new forts.* Besides, Gen. Winslow erected five separate timber buildings in the few weeks which he spent at Taconnet; the center blockhouse of his plan, two stories, and the four one-story buildings fronting the corners of the center building, which were used for barracks. These were each twenty feet square, and were moved, and joined in a line for the same purpose the next year, by Captain Lithgow. The center building became Lithgow's north flanker, where it originally stood. There were 800 feet of palisades set to enclose the main works. A blockhouse was also built on the hill and similarly enclosed; and yet Fort Halifax was not half built as it stood when completed. Another wearisome toil was the transportation of the cannon to arm the two blockhouses. These were carried from the head of the tide in two gondolas drawing two feet of water, and, according to Captain Lithgow's deposition, "they were towed up by the army that guarded them." The falls where is now the Augusta dam, and the falls of Nequamkike, had to be surmounted by deeply-laden scows towed by men, who had no other path but the shoal water near the bank. To accomplish all this, and the time occupied in going and returning to Falmouth, was but fifty-six days, sixteen of which 500 men were absent on the exploration of the river, for seventy-five miles.

The Governor remained at Falmouth from the third to the eighth of September, when he sailed for Boston. His embarkation is thus recorded by Parson Smith: "September 8th. The Governor sailed with Col. Mascarene, Mr. Brockwell, Mr. Wheelwright, Richmond, Gerrish, Minot and Price. Thus ends a

*Although this road was cleared and graded at great expense of labor, it was of little service for the transportation of stores. Capt. Lithgow wrote that the drifting snow filled the valley ten or fifteen feet deep, and that there was not sufficient passing over it to keep it open.

summer scene of as much bluster as a Cambridge Commencement, and now comes on a vacation when our house and the town seem quite solitary." We can readily imagine the change. The town had, for ten weeks, been the headquarters of a large number of the dignitaries of the provincial government, with the commissioners from New Hampshire and Nova Scotia; these officials were then invested by the people with much more dignity and splendor than now. The representatives of two dreaded Indian tribes swelled the pageant, who closed the treaty with a dance, in all their paint and feathers. All this bustle and parade in the little town of 1,000 inhabitants, unused to such scenes! A man-of-war was anchored in front of the town, which, with the fort, announced every movement of the Governor, as the custom then was, with guns and flags.*

Those Royal Governors were not like the modest, unostentatious chief magistrates of our time. When they arrived at Boston, from any distant official service, they first landed at the Castle and waited for an enthusiastic reception to be arranged for the next day, when they embarked under a salute of the Castle guns and the men-of-war in the harbor, and landed at Long wharf under another salute, where the "Governor's company of Cadets" received and escorted them to the Province house. Governor Shirley arrived at the Castle on the ninth of September,

*Before leaving Taconnet, the Governor went through some ceremony, with a salute, and named the work "Fort Halifax," and had a complimentary inscription in Latin cut on a stone, of which this is a translation: "For the benefit of the Massachusetts Province, Wm. Shirley, her Governor, under the auspices of the most noble George Montague Dunk, Earl of Halifax, the highly distinguished friend and patron of the British Provinces throughout America, has reared this fortress September 6, 1754."

The Earl of Halifax was appointed "First Lord of Trade and Plantations," in 1748, and a Major General the following year. He died in 1771, when the title became extinct.

and after all this parade took charge of the government the next day.

The commanding General, and all the forces, received from the Governor and House of Representatives, expression of approval, and in addition to 7,000 pounds previously raised, 600 pounds were voted by the House to defray the expense and 300 pounds for presents to the Indians. Before the presents were delivered, the Indians commenced hostilities, by attacking a party of six persons who were engaged in hauling timber for the fort. One man was killed and scalped and four others were carried off. An express arrived at Boston on the sixth of November with this intelligence, by the newly-arranged express route. This outrage was a surprise to the government, coming, as it did, so soon after the treaty was completed. The Indians were displeased at the erection of the new forts, notwithstanding their chief men had reluctantly consented thereto, after being shown Indian deeds of the territory, which they contended were obtained by making their chiefs drunk, as they had never before heard of these deeds.

The House of Representatives became alarmed, and on the eleventh of November voted to request the Governor to send a reinforcement to the garrison of Fort Halifax, and on the twelfth passed an order directing the Commissary General to provide 100 pairs of snow-shoes and as many pairs of moccasins for the garrison. The same day the Governor issued a warrant to Captain Lithgow, who was in command, to impress men to fill up the garrison, if he could not make up the established number by enlistment. The Province sloop, with stores for the Kennebec forts, and also the presents for the Norridgewock Indians, was ready to sail from Boston; but on the arrival of the express she was detained, and an embargo of twenty-six days was laid

on all vessels having supplies on board, for fear of their being seized by the French cruisers.*

In December, there was another alarm from Canada, which is thus alluded to by Governor Shirley, in a letter dated Jan. 6, 1755, to Governor Lawrence, of Nova Scotia, which is now in the archives at Halifax :

“Another circumstance which increases my apprehension, is that I have undoubted intelligence by an English captive from Montreal, that when he left that place the French were transporting parties of soldiers (in all 400) and 100 Indians from thence to Quebec, with a design, as he conjectures, to attack Fort Halifax on the Kennebeck.”

The Governor did not take the same view, but thought they might be intended for Nova Scotia, and so cautioned Governor Lawrence. The House of Representatives thought the captive's apprehension a reasonable one, and on the twenty-third of December they voted “That the Captain General be desired to appoint, as soon as may be, some suitable person to repair to Fort Halifax, with special authority to strengthen the same, as also the blockhouse or redoubt on the hill near the same, in such manner as to make the same proof against small cannon in such parts of the fortress as are exposed to the approach of an enemy, and the said person be authorized to govern and conduct the whole affairs of said garrison during his stay there, and that he be directed to employ the soldiers in scouting and garri-

*Governor Shirley, in a communication to the House of Representatives, says, “I have stopped the Province sloop, with the Commander of Fort Halifax on board, till it is determined what orders ought to be given on the occasion. The sloop being loaded with the winter stores for the several forts in the eastern parts, must go first to St. Georges and Pemaquid, to be discharged of some part of her lading, before she will be able to go to Cushe-noc with the stores for Fort Halifax.”

son duty, also to do the labor necessary to strengthen said fortress, at such moderate rates as he may agree with them. He also ordered a draft of forty men to reinforce the garrison, from the independent companies at the eastward, and that 450 more be raised out of said companies of militia nearest said garrison, to be held in readiness to march instantly for their relief on the first advice of an attack, or the approach of an enemy.*

January 3d, the Governor wrote to Capt. Lithgow that he had appointed Jedediah Preble,† of Falmouth, to be commander

*The House of Representatives passed an order that "the Commissary General forthwith provide twenty double beds and forty single blankets for the use of the forty men ordered for the reinforcement of the garrison of Fort Halifax." Also, on the twentieth of December, the House "Voted, that the Captain General be directed to give orders that there be five Cohorn mortars sent to Fort Halifax." These were small brass mortars, so named for Baron Cohorn, who invented them; they were mounted on a wooden block, between long handles, to be carried by men to any desired position. The caliber of these mortars is indicated by bomb-shells found near the site of the fort about twenty years ago, which were two and three-quarter inches in diameter. When Gen. Nicholson, in command of the Provincial troops, besieged Port Royal, now Annapolis, Nova Scotia, in 1710, he had twenty-four Cohorn mortars in position, and only two of the larger mortars.

† "Jedediah Preble, of Falmouth," who, Gen. Shirley wrote to Capt. Lithgow, had been appointed to strengthen the fort, was the Col. Preble who ranked next to Winslow in the expedition to build the fort and explore the river. As he will not again appear in this sketch, perhaps this is a proper place for a notice of his previous and subsequent services.

He descended from the Preble family of old York. He was in Waldo's regiment, under Gen. Pepperell, at the siege of Louisburg in 1746. He was probably a subaltern, as he was commissioned as Captain in the same regiment while there. He was commissioned Lieut.-Colonel for the Kennebec expedition. He removed to Falmouth about 1748. He acted as Major under Monckton at the taking of the French forts in Nova Scotia, and in the removal of the Acadians in 1755, in which service he was slightly wounded at Chignecto.

Col. Preble was again with Gen. Winslow, in the expedition against Ticonderoga. He was next in command under Governor Pownall in the

of the fort, but that Lithgow must not wait for the new commander, but proceed in strengthening the fort; and should Preble not soon arrive, he must proceed to the completion without delay. Preble did not arrive, as he was engaged in recruiting at Falmouth, for the expedition against Fort Beausejour, at the head of the Bay of Fundy, which sailed from Boston on the twenty-second of May, under the command of Col. Monekton. This has been alluded to in Shirley's letter to Governor Lawrence, of Nova Scotia.

The state of Fort Halifax and its garrison is vigorously set forth by Capt. Lithgow, who was left in command, in the following letter to Governor Shirley, dated January 9, 1755 :

"May it please your Excellency :

"The soldiers of Fort Halifax are in a most deplorable condition for want of shoes, bedding and bodily clothing, &c., as I have signified in my letter of y^e twentieth of December, and it is with the greatest concern that I am obliged further to acquaint your

building of Fort Pownal, on the Penobscot, in 1759, and took command of its garrison when the fort was completed, and remained there until 1763, when he resigned the command. He was representative to the General Court and Counsellor of the Province. In 1774, he was elected Commander-in-Chief of the Massachusetts forces, but declined the office on account of age and infirmities, when Gen. Ward was promoted to that office.

In 1778, Gen. Preble was appointed Justice of the Court of Common Pleas for Cumberland, and in 1783, he was appointed Judge of the Inferior Court under the new Constitution. He died in 1784, aged 77 years.

Gen. Preble was the father of ten children, one of whom was Commodore Edward Preble, and grandfather of Admiral George H. Preble, of the U. S. Navy.

Willis's History of Portland says that General Preble commanded a company of Provincial troops under Gen. Wolf, on the Plains of Abraham, and "was near Gen. Wolf when he was killed," September 13, 1759. This is a mistake. General Preble was with Governor Pownal in his Penobscot expedition to build Fort Pownal, which was completed in July, 1759, and was left there in command of its garrison, where he remained until 1763.

Excellency that we have scarce thirty men in this fort that are capable of cutting and hauling wood for the supply of the fort, and it is with great difficulty they can supply themselves with wood from day to day, the snow is so deep. It is three feet at this place, and having no snow shoes, and our being in a manner naked, it is out of our power were we in health, to keep scouts abroad, or even to send a guard with those men who haul wood, neither can they carry their arms with them, being hard put to it to wallow through the snow with their sled-loads of wood; and it is hard service for these men to supply themselves and y^e invalids with firing, which takes up two entire barracks.

“We have now but four weeks allowance of bread in this fort, one barrel of rum and one do. of molasses, and God knows how or when we shall be able to get any supplies from Fort Western on account of y^e snow is so deep.

“I left Fort Halifax on y^e fourth instant to see if y^e river was passable on y^e ice, with one soldier for company, and also to try if I could collect some leather or shoes for a present relief till more shall be sent, which I have got, and I have two shoemakers to work it up. We came all y^e way on y^e ice, which we found very weak between Fort Halifax and Fort Western, on account, as I suppose, of y^e great body of snow which lyes on it, which hinders its freezing. Y^e ice there is covered with snow and water about two feet and a half deep; y^e under ice was so weak that we broke through sundry times, and it was with great difficulty and hazzard of lives that we got to Fort Western, where we were detained by a storm two days.

“Y^e eighth instant we arrived at Richmond fort, where I thought it my duty to write y^r Excellency this letter.

“I think it was a verry bad affair that y^e barracks had not been kept in better order, and that there had not been more supplies laid up in this fort when the river was open. If it was bad carrying up y^e stores then, I aver it is ten times worse now, and I fear will continue so this winter, for I doubt y^e river above Fort West-

ern will be hard to freeze, on account of the strong current that runs there, and as to the cut road being of any service, it would take fifty men and ten yoke of oxen two days to brake, and after it was broken, it would choke up with y^e first wind that blew; some of y^e gullies now are drifted ten or fifteen feet deep with snow, and I think it never will be of much service to us for transporting our provisions, till such time as y^e country is settled, and more teams frequent that road than what may be allowed for Fort Halifax. But these dull complaints avail us but little to extricate us out of our difficulties.

“It remains to think of the best way by which that garrison can be relieved, and I would, with submission, offer your Excellency my humble opinion upon the matter, which is, that your Excellency give the independent companies or other forces which may be raised for the defence of the river, orders to provide or impress oxen or other cattle, with provender, and sleds or carts, and those cattle to be employed in hauling the stores and other supplies that will soon be landed for this river—for the supply of Fort Halifax—up to Fort Western, for further, I believe, cattle will be of no service, on account of y^e river being dangerous for cattle to travel on, as I have already observed, and that a proper number of good men, with snow-shoes, may be employed in carrying up provisions from Fort Western to Fort Halifax, and after y^e road is beaten well, and y^e invalids that may be able to travel after being shod, for them to march down y^e river and tarry with y^e provisions, which will save a great deal of fatigue of carrying of y^e provisions to them, and that there be good men placed at Fort Halifax in their room.

“I should now have dismissed some worthless fellows, who do little other duty than eat their allowance, could they have traveled home, for they never will do any service here or anywhere else. This garrison, I think, has its full share of such creatures, that resemble men in nothing but y^e human shape, but such will do for forts where they have nothing to do but eat and sleep. * *

“We want very much an assortment of herbs for the sick. Our

doctor has left us, and we have no one here that knows y^e use of our medicines.

"A great many of our men have been sick and continue so, but none of them have yet recovered to their former health, nor will do so, I believe, this winter. The men, in general, seem very low in spirits, which I impute to their wading so much in y^e water in y^e summer and fall, which I believe has very much hurt y^e circulation of their blood, and filled it full of gross humors, and what has added to their misfortune is their being straightened for want of room and lodgings. In y^e spring of y^e year, must be sent to Fort Western ten loads of English hay for y^e supply of y^e oxen that must haul the timber for y^e buildings of Fort Halifax, otherwise we cannot go on with the buildings there. I have employed three carpenters this winter to prepare timber for these buildings. I have agreed with two of them at thirty pounds per month till the last of March, and after that thirty shillings per day till the last of May. I would again recommend to your Excellency eight flat-bottomed boats, carrying two tons each, which I mentioned in my last letter, and that they be sent to Fort Western as early as possible next spring to carry up our supplies to Fort Halifax, which I am fully satisfied must be the way we must be supplied at the fort.

"I add no further than that we will do the best we can to subsist till we have more help. With submission, I beg leave to subscribe myself your Excellency's most dutiful, obedient servant,

"WILLIAM LITHGOW.

"Richmond Fort, January y^e 9th, 1755."

From this letter we get a good idea of the hardships endured by the builders of Fort Halifax.* Captain Lithgow's letter to

*A petition, signed by General Winslow, is on file in the Massachusetts archives, which confirms what Captain Lithgow wrote concerning the exposure of the troops. It is dated December 4, 1754, and directed to Governor Shirley, Captain General. He asked to have "blankets, knapsacks and bandoliers (a belt to go over the shoulder to hold ammunition) issued to the men of his expedition to the eastward, and said "theirs were worn out by

the Governor was nine days in reaching Boston. Under date of January 18, the Governor replied that ten days ago a vessel was sent with stores, and that he had now sent another, with provisions and clothing for the garrison, and had ordered Major Denny and Gen. Watts, at Arrowsic, to impress horses and oxen for the transportation, together with a guard of men, to get the stores up to Fort Western. The Governor expressed sorrow at the state of the garrison and confidence in the commander's ability and prudence.

This brought a more hopeful letter from Captain Lithgow, in which he expressed great dissatisfaction with the plan of the fort and proposed a plan of his own.

"RICHMOND, February 21, 1755.

"Sir, may it please your Excellency :

"I have received your Excellency's letters of January 18, 1755,

the continual marches, and passing sometimes by water and sometimes by land—lying on the ground, and transporting provisions, as well in their blankets as knapsacks, and divers men entirely lost their blankets, as well as arms, by oversetting their boats, &c. ;" and that the whole of these articles are worn out and rendered unserviceable, and requests that they may not be required to return them to the Commissary General. Which request was granted.

On the thirtieth of October of the same year, Second Lieutenant Thomas Lawrence, of Groton, petitioned the General Court for remuneration "for a hurt I received in the expedition up the 'Cenebec' River, and after my return from the long march up the river was called upon to assist in raising a block-house at Fort Halifax, which I did, and in laying down one of the plank, which was too heavy for one, it gave me a sudden Rinch, which I often feel the effects of, and shall, as long as I live, and soon after was taken with a slow fever, and it is now five weeks next Saturday since I landed in Boston, and was carried to Mrs. Sparrow's, where I have been ever since, but now, through the goodness of God, am got so well as to endeavour to ride in a chair, if I had one." The General Court gave him eleven pounds, ten shillings extra compensation. This is a sample of many like petitions received and continuing to be presented for two years after, most of which were granted, showing that these men had the sympathy of the people.

and have observed y^e contents of them, which gives me grate satisfaction to find your Excellency has been pleased in so generous a manner to comply with my proposals respecting the boats and the transportation of the supplies from "Arousick" to Fort Western, which supplies, I understand, is soon to be landed there. Also, I would inform your Excellency, nothing gives me more pleasure than that your Excellency is pleased to approve of any of my conduct (being sensible of my own incapacity for y^e trust your Excellency is pleased to repose in me), which I can but own is not extraordinary. But this, your Excellency may assure yourself, so far as I am capable, will do y^e best to answer your Excellency's expectations in every particular.

"Relating to my present station of life, which has given me no small concern and care, I assure your Excellency I have not had one day's rest in body or mind since I left your Excellency last fall, which may seem extraordinary to any else but your Excellency, who does not consider y^e trouble we had with y^e hay in y^e fall, which was landed at Richmond Fort, from whence we were obliged to carry it in gundalows to Fort Western, and sundry times drove ashore in our passage by ice, and had like to have lost both hay and gundalows, which gave us considerable toyle, and all on account of y^e hay's not being sent '*timoniously*,' as other various circumstances of y^e situation of Fort Halifax. But I am greatly encouraged for your Excellency's wisdom and goodness that our present trouble will, in a short time (in some measure), be abated here. I can inform your Excellency that I have received the supplies sent last by Capt. Saunders, which were landed at Arousick, twenty miles below Richmond Fort, on account of y^e ice, from whence we gundalowed them to the chops of Merrymeeting Bay, and, after having lodged the above supplies there, the men being much fatigued in this piece of service, occasioned me to apply to Capt. Hunter, of Topsham, and Capt. Dunning, of Brunswick, two independent Captains, for their assistance to help me in the transportation of y^e above supplies, as also to assist in conveying

the provision from Fort Western to Fort Halifax, which garrison was almost destitute of provisions and clothing.

“My application to y^e above Captains was before we had y^e account of your Excellency’s resolve of re-inforcement of the garrison of Fort Halifax with forty men. * * * They came, and brought with them nineteen men out of the several companies, which continued twenty-one days in the Province service, and at the expiration of those days they were discharged, in which time, by their assistance and two horses which I impressed, we carried to Fort Halifax all these supplies which were left at the chops of Merrymeeting Bay; and after I had distributed y^e above shoes and stockings, blankets, beds, &c., which were exceedingly wanted there, I then could muster forty efficient men at the above fort, which I employed by turns with those of Capt. Hunter and Dunning’s men, and have lodged entirely all y^e supplies in Fort Halifax that belonged there, so that we now have about two months and a half of provisions for that fort.*

“Our next relief, I would inform your Excellency, will entirely depend on the boats I proposed. If these be not sent before the above provisions are expended, the fort may be lost for want of supplies which we can’t purchase no otherways without vast expence to the Province, and great hazzard of men’s lives. On this depends y^e preservation of Fort Halifax; and as y^e enemy will have great advantage on account of y^e difficulty of y^e river, which seems to invite them, as it were, to oppose our going up and down

* In a letter to Governor Shirley, without date, Captain Lithgow wrote that in January, 1755, Captain David Dunning, of Brunswick, and Captain Adam Hunter, of Topsham, “being joined with a few soldiers at Richmond, in y^e space of three weeks, *hauled on handsleds* on the ice from Arrowsic to Fort Western, beds, blankets, shoes, &c., and about two hundred barrels of provisions from Fort Western to Fort Halifax.” In consideration of their services, Captain Lithgow recommended them to the attention of the government. The History of Augusta says that it was a popular saying that “Every biscuit sent to Fort Halifax cost the Province a pistareen.”

said river, which I make no doubt is their design ; and as we may expect a powerful party of Indians, joined by the French, to oppose the transporting of our stores, therefore I think those stores must be guarded by a strong party of our side, in order to give the enemy a smart repulse, if they should attempt us in this manner, and I expect no other than they will.

“ Now, in answer to the proposal of your Excellency and the Honorable Court, namely, to fortify against the but of small cannon in such parts as may be exposed most to the approach of the enemy, &c., and herewith great submission to all my superiors in judgment, as well as on other accounts, I offer your Excellency my sentiments on y^e present fort under consideration.

“ In the first place, Fort Halifax is so placed under a hill, which rises near 100 feet higher than the ground where it stands, which will render said fort very costly to fortify agreeably to your Excellency’s instructions ; and I must confess I know of no other way to comply with the above instructions, than either to erect a wall which must be cannon proof, and not less than sixteen feet high, and 200 feet long, to encompass half the fort which is exposed to the hill, or to cover those barracks already built, as well as those to be erected for the officers and reception of the stores, by another timber wall at a proper distance and fill between with clay, and this must be done on all parts of those buildings that must be thus secured, to answer any end against cannon. Now, if the height of the hill be considered, I think it will be allowed that the wall must be of the height I have proposed, and the houses to be fortified up to the wall-plates, or eaves, which eaves are about eight feet high. And as to there being a proper place for another redoubt on the hill, which your Excellency desires to be informed of, I have surveyed the ground and find there is. Now, considering the additional buildings, which can be no less than two houses of forty-four feet long, for the officers and reception of stores, &c., and three small blockhouses to be erected in the half-moons, or places of arms, for the defence of a piquet work, as also for the sentry to stand

guard in, and all these to be fortified as above, with that expense of another redoubt on the hill, will be considerable; and after it is done in this manner, which is the best method I can think of, it will be as irregular, ill-formed assemblage of buildings, on account of their irregularity, as was ever huddled together to be called a fort, and it will be hard to defend all those buildings on account of their irregularity and the large circumference of the piquet work. Now, as this fort has no defence by cannon, than a right defence, which is next to no defence in fortification, I would, with submission, ask your Excellency whether I might not entirely alter the present Fort Halifax, and make a regular fortress of it, with either two or four flankers, agreeable to Colonel Mascareen's draft, which will be cheaper in the end to the Province, than to finish it as 'tis begun; for this reason, because the vast number of piquets that now encompass the present buildings, will forever want repair, whereas, if it was made a compact fort of about 100 feet square, with but two flankers, it would afford five times the room it now contains, and would be five times easier of being defended than what it will be, if it is finished as 'tis begun.

"Now if this should be agreeable to your Excellency to have it built in the manner I have proposed, the blocks of the present buildings will be all serviceable—that there will be no considerable waste in them. Now, as I know not what objections may be offered against this proposal of mine, I cannot well answer them. * * * The cost will be but a trifle more in this way than to finish it as begun. * * * I would pay no regard to the buildings called Fort Halifax, but would at all adventure erect such a fort as I have proposed on the eminence, which would save the cost of another redoubt, and might be made, with very little cost, proof against any cannon, or any attempts the French would ever make to destroy it. Was it placed here, the flanks next the plain only need to be made cannon proof, for in them would be room enough to contain the soldiery which would be requisite to defend the fort.

"Thus I have given your Excellency my very best opinion how this fort ought to be done, in three ways—either to finish it in the

form it is begun, or to alter the present situation and make a regular fort of it, where it now stands, or build on the hill. * *

And as for your Excellency or the Court to suppose this fort could be completed in two month's time, it is impossible, were it to be attempted by a regiment of men, and the best officer in the Province to head them, unless all the materials were on the spot, which, to complete this work will require 450 tons of timber for the walls, boards, plank, and so forth, forty or fifty thousand of shingles and forty thousand brick. Now as there is but very few brick, they can't be burnt or made until the weather is seasonable. And as we have no stone, but what must be fetched across the river, which can't be done also, until the weather is warm and the river fallen—had the forty recruits arrived at the time the Court prescribed, our provisions would have been expended before we could have possibly got more, for which reason I discharged Captains Hunter and Dunning, with their men, who were willing to have furnished me with their quota of men agreeably to your Excellency's instructions, and Capt. Hunter was to have remained with them during your Excellency's pleasure as their officer, as he is a complete carpenter, and well skilled in log work. I then agreed with Capt. Hunter that he should bring with him, out of Capt. Dunning's and his companies, both their quotas of men of such as are skilled both with the broad and narrow axe, * * * but not to come until I had informed him I had got hay. * * Now I have appointed Capt. Hunter to be with me on the eighteenth of February. * * *

"Now, in answer to your Excellency's letter of January 31st, as to the joinery and carpentry work inside of the buildings, floors, cabins, window shutters for close quarters and the like, I have constantly this winter employed three carpenters in the woods, and in storms, when they could not go abroad to work, have employed them in doing those sundry jobs, as your Excellency prescribed in said letter. All I can say, I done the best in my power.

"February 14, 1755.

WILLIAM LITHGOW."

"One thing I forgot to inform your Excellency, that I have been obliged constantly to allow those men that hauled pine wood, stores, &c., to Fort Halifax a certain quantity of rum, without which it would have been impossible to have done anything." *

On the eighth of March the Governor replied to this long letter, assuring Captain Lithgow that the fort should be completed the coming season, with suitable accommodations to receive his family.

Captain Lithgow again wrote to the Governor, changing his previously proposed plan, which is as follows. The originals of all these letters, in the Captain's plain business hand, are on file in the office of the Secretary of State, Boston.

Governor Shirley wrote from Boston March 8, 1755, to Captain Lithgow, that the flat-bottomed boats are about ready, two of them, one building at Brunswick, and the two others will be sent by Saunders on his next voyage, "and the commissary is ordered to provide two more as soon as possible, and to have all of them armed with four swivel guns each."

*The first officer under Captain Lithgow, at Fort Halifax, was a Captain Lane, of whom Captain Lithgow complained to Governor Shirley as inefficient. In a postscript to his letter of the eighth of March, 1755, already quoted, Governor Shirley says, "I have well weighed what you have mentioned concerning Captain Lane, and have determined to make some other provision for him, and have directed him to come to Boston as soon as possible, and have thought proper to appoint a Second Lieutenant under you, and now enclose to you a blank commission, to be filled up by you, with Captain Dunning's or Captain Hunter's name, or some other person in whom you may have the most confidence of his supplying your absence with the best ability." Captain Lithgow replied on the twenty-second of March, thanking the Governor for the provision he had made for Captain Lane, saying that he was an object of pity, but did not say whose name had been inserted in the blank commission. He several times mentioned that both Captain Dunning, of Brunswick, and Captain Hunter, of Topsham, were employed at the fort, but does not name either as an officer of the garrison.

A part of this letter relates to strengthening the fort temporarily, according to the Captain's suggestion. The Governor adds, "I have thought proper to appoint a second Lieutenant under you, and now enclose to you a blank commission to be filled up by you with the name of Captain Dunning, or Captain Hunter, or some other person in whom you may have most confidence of his supplying your absence with the best ability." A Captain Lane had been serving under Captain Lithgow who was not efficient, and was ordered to Boston.

March 22, Captain Lithgow wrote to Governor Shirley "that the inside of the buildings are ready to receive the soldiery; that he had made plank shutters to the windows and doors."

The Captain continues:

"I have on y^e eminence 200 tons of hewn timber. I am determined to erect another redoubt on the eminence, cannon proof, that will be capable of containing a sufficiency of men to defend it against any considerable army that may be furnished with grate artillery. I have thought this can be of no disadvantage, for if your Excellency determines to have y^e fort built on y^e hill, I can but join the fort to the redoubt, which will make a good flanker for it. And if it should be continued where it now stands, there must be a redoubt erected that will command the hill, otherwise it will be in the power of an enemy to surprise it at their pleasure, whenever they may think proper to make their approach with cannon. I also have 100 tons of board logs, and bolts for shingles, most of which I have gotten hauled by hand. I want the assistance of oxen and hay prodigiously—had I that, I should have no occasion to go into the woods for timber after the snow was off the ground. Would pray the commissary to send ten tons of hay, which must be delivered at Fort Western.

WM. LITHGOW."

We see by this letter that Captain Lithgow had procured one hundred tons of board logs, which must have numbered 200

logs, and these had been hauled by hand. To have a proper idea of the immense labor performed, we must consider that these board logs must be sawed with pit saws, worked by two men each, one standing on top of the log, which must be rolled on to a frame, with a pit below it for the lower man to stand in. That the roofs were covered with boards and not with long split clefts, as most barns were at that time, called long shingles, we are sure, for in the Massachusetts archives is the original bill of Captain George Berry, a famous shipbuilder, and military officer of Falmouth, for boarding "the great house at Fort Halifax, 100 feet by forty," his Honor, Spencer Phips, successor to Governor Shirley, being the debtor. This gives us the size of the building used for officers' quarters, and for the store house. Of course it was only the roof that was boarded, as the walls were of hewn timber.

On the nineteenth of April, Capt. Lithgow again reported to the Governor, proposing another plan for completing the fort, as follows :

"May it please your Excellency :

"I think I have timber sufficient to build a redoubt thirty-four feet square and two stories high, cannon proof, which will command the eminence against a considerable army that might be furnished with cannon. I have determined to make the walls of said redoubt five feet thick, of square timber, locked together with oak ties at proper distances. This way will be less cost than a double wall filled with earth, which would soon rot the timber.

"I have also got timber sufficient to build a small square fort of about eighty or ninety feet square, with the help of those small blockhouses Gen. Winslow erected. I propose to join this fort to the large blockhouse that now contains the cannon, which blockhouse will answer for one of the flankers. This, with one flanker more at opposite angles, with the help of two watch boxes at the

other two opposite angles, will afford a very good defense, a draft of which I have enclosed your Excellency, the incorrectness of which I hope will be excused, as I had no scale but that of a carpenter's square.

"The above redoubt, with this fort, is really the cheapest way I can think of to finish those works, for a great many reasons. I shall give your Excellency only one. The piquets that now encompass those buildings are composed of 800 foot in length, a great many of which will soon fall, being in some places set scarcely in the ground. They are considerably racked already, and I fear they will fall this spring. Now, the repairing of those piquets, once added to that of building houses for the officers and stores, will cost more than the fort I have proposed, which fort will stand 100 years if kept shingled or clapboarded, and will be vastly more defensible, as it will be small, for certainly 320 foot in the compass. The fort I propose is easier of being defended than that of 800 foot, as it now stands piqueted, which will forever want repairing and no way defensible. This small fort will upon occasion lodge 200 men comfortably, as also y^e stores. I do not think it material to lay the sundry apartments of the barracks in the inside, as also the placing of chimneys and gateway, &c.

"My reason for placing this fort below, contrary to my opinion, is in order to save those buildings already erected, which would be lost were it placed on y^e eminence.

"I shall trouble your Excellency no further respecting this fort at present, but say I have given my best opinion, and am fully persuaded those methods I have here proposed will be far cheapest, and answer the end of the government better than any other way they can finish it in.

"I would beg your Excellency's opinion on this affair—am now obliged, for want of instruction, and lest the carpenters should be idle, to set them on the above redoubt, and should set them on the lower fort had I your Excellency's opinion.

"Our number at the fort does not exceed seventy-four, and, includ-

ing officers, out of which I can't muster upwards of forty effective men. And as it will be highly necessary to hold possession of the new redoubt, as the wall is raised four feet high, which will require no less than twenty of our best men to assist and guard the workmen, and as brick must be made and stone provided, all of which I think will require a re-inforcement of good men, besides those employed transporting the stores, for which service, agreeable to your Excellency's instruction, I applied to the independent companies, as also to Colonel Cushing, for 150 good men that are capable of marching from Fort Western to Fort Halifax, as also managing the boats that carry the provisions.

"I have appointed the first of May, old style, for those guards to be at Fort Western, by which time most of the people will have finished their planting, &c. If those guards should fail me at that time, it will be out of our power afterwards to transport the provisions, on account of the river will then be fallen so that the boats will not have water to float them. The two boats come from Boston will no ways answer the end, being vastly too big, so that I now have to depend on but two built at Brunswick. I wanted eight boats thirty feet long, two feet deep, and six feet wide, flat bottomed. Now out of this number I shall have but two—must be obliged to press canoes. Though there were gentlemen enough in Boston who were perfectly well acquainted with this river, who could have directed the building of proper boats for this purpose—had I not thought so, I should have shaped a piece of wood in the form of one of these boats, and sent it for a pattern.

"All of which I leave to your Excellency's wise consideration, and pray a speedy answer respecting the fort.

"With all submission, I beg leave to subscribe myself your Excellency's humble servant.

WM. LITHGOW.

"Fort Halifax, April 19. If your Excellency thinks proper to retain a number of men at Richmond Fort, I should think it a

great favor to be allowed to name the officer that commands those men, on account of my stock and improvements must be left there.

WM. LITHGOW."

To avoid responsibility and not offend either of his two military friends, Gen. Winslow and Capt. Lithgow, the Governor laid the two plans of the fort before the Council, who referred them, as the following extract from the Journal shows :

[Massachusetts General Court Records for 1755, page 505.]

"June 22, 1755. Ordered, that the Committee of Wars take into consideration the two plans of Fort Halifax, and report to his Excellency, the Captain General or Commander-in-Chief for the time being, which they judge the most advantageous to the Province, and also what alterations (if any) they think proper to be made in either of those plans.

"In Council, read and concurred.

"June 26, (1755). The Committee of Wars report to the Governor about Fort Halifax, viz :

"*May it please your Excellency:* The committee to whom was referred the two plans have perused the same, and beg leave humbly to report that we are of opinion that the plan drawn by Capt. Lithgow, touching the alteration of Fort Halifax, if pursued, will be most advantageous to the Province, and that we cannot find any amendments to make thereon. Which is humbly submitted to your Excellency.

JOHN OSBORNE, *by order.*"

Gen. Winslow's original plan is on file. It is thus endorsed.

"BOSTON, NEW ENGLAND, Oct. 4, 1754.

"To his Excellency, Wm. Shirley, Captain General and Commander-in-Chief, in and over His Majestie's Province of Massachusetts Bay, N. E.

"This plan of Fort Halifax, at Ticonnett Falls, on Kennebeck River, with a redoubt standing east $16\frac{1}{2}$ degrees, north $61\frac{1}{2}$ rods,

on an eminence, is dedicated by your Excellency's most obliged,
most dutiful and most humble servant, JOHN WINSLOW."

"N. B. The officers' apartments, guardhouse and armourer's shop proposed to be built within the piquet, not yet erected. The timber and brick sufficient provided for that purpose. And also an order given for sinking a well, before we left the fort, and kentlings provided to secure it.

"Blockhouse on the hill square—upper story 27 feet, lower 20. A, lower story of blockhouse, 20 feet; B, upper story, 27; C, barracks, 20 feet square; D, proposed line, 120 feet square; E, the flag staff; F, places of arms; G, gate; H, the close piquet."

A memorandum on the back of the plan says :

"Copy sent to Capt. Lithgow attested by the Secretary. The Governor's letter sent—no copy taken by the Secretary, one by the Commissary. Lithgow's plan also sent him."

There is no date to this memorandum, but probably it was made when the copy was sent to Lithgow with his own plan. The report of the Committee of War, deciding that Lithgow's plan was best, is dated June 26, 1855.

We must now take leave of Governor Shirley, as connected with the finishing of Fort Halifax. The submitting of the rival plans to the Council was his last act in that direction. As he was considered the projector of the enterprise for building that fortress, and its dependence, Fort Western, the subsequent career of this remarkable man claims our notice. He had weightier matters on his hands than the defences of Maine. He had, since November, been in correspondence with the home government, and Governor Lawrence, of Nova Scotia, concerning an intended expedition to reduce the French fort at Chignecto, Nova Scotia, the building of which the English claimed was an encroachment.

In a letter to Governor Lawrence, at Halifax, dated December 14th, he wrote: "I have for several days had an inevitable load on my hands. It is now eleven at night, and I have been writing ever since seven in the morning to dispatch a London ship waiting for my letters, and can scarce hold my pen in my hand."

During the winter, Governor Shirley, with Col. Moncton, of the British army, and Provincial Gen. Winslow, raised two thousand New England troops for, and fitted out the Bay of Fundy expedition against the French forts, which sailed from Boston on the twenty-second of May. The Governor was also raising and fitting out another expedition for Oswego, of which he took command, after being commissioned a Major General. He left Boston for that place on the twenty-eighth of June. Gen. Braddock was killed and his army defeated on the Monongahela, on the ninth of July. Among the officers killed in that action was Wm. Shirley, son of the Governor, who was Braddock's Secretary. By the death of Braddock, Gen. Shirley became Commander-in-Chief of the army in America. He was an officer of great energy and perseverance, but having failed in an expedition against Crown Point, in 1756, he was superseded by Abercrombie, and was ordered to England. However, he was finally cleared of the charges against him.

Governor Shirley's first wife (to whose family influence it is said he owed his first advancement) was Frances Barker, born in London in 1692, and died in Dorchester, Mass., in 1746. She was the mother of the Governor's four sons and five daughters. She has a mural tablet in King's Chapel, with her family arms and a lengthy Latin inscription.

In 1749, Governor Shirley was appointed by the Crown, Commissioner to France, to settle the boundary of Acadia. While he was in Paris, on the commission, he secretly married a young

Roman Catholic, the daughter of his landlord. This injudicious alliance subsequently caused him much mortification and regret. In 1759, he was made Lieutenant-General, and after long solicitation was appointed Governor of the Bahama Islands, in which he was succeeded by his son Thomas. He was the author of several pamphlets on the French Wars, and in 1748 devised the scheme of establishing a British colony in Nova Scotia (the inhabitants were then all French), which was carried out the next year by the founding of the city of Halifax. Governor Shirley was born in England, in 1693, where he practiced law, came to Boston in 1735, and pursued his profession until his appointment as Governor of the Massachusetts Province, in 1741. At the appointment of his son to succeed him in the government of the Bahamas, he returned to Massachusetts, and died at Roxbury in 1771, aged 78. He was buried with military honors in his family vault, under King's Chapel, in Boston. This church was re-built mainly by his exertions. The corner stone was laid by him in 1752.

Minot says of Governor Shirley, "Although he held some of the most lucrative offices within the gift of the Crown in America, he left nothing to his posterity but a reputation, in which his virtues greatly outweighed his faults."

The Suffolk Probate Court records show that he died intestate.

Governor Shirley's residence, erected in about 1748, was in Roxbury, and was called Shirley place.

F. A. Drake says, "It became, in 1764, the property of Judge Eliakim Hutchinson, Shirley's son-in-law. Long afterwards it became the home of Governor Eustis. Washington, Franklin, Lafayette, Webster, Clay, Calhoun and Burr were numbered among its distinguished guests."

It is now (1881) rented in several tenements. It is of wood, two stories, with windows on the roof, and a cupola and vane. It rests on a high basement of dressed granite. The wide veranda at the rear remains, but that formerly on the front has been removed. The main entrance is reached by a long and wide flight of freestone steps. The parlors have been divided by partitions, but the elaborate finish and original ample size can be seen. The spacious entrance hall is the grandest of the old suburban houses. The stair-case is of easy circular ascent; the stair-rail, with a generous scroll at the bottom, is of the richest St. Domingo mahogany, inlaid with various colored woods, and the balusters are artistically carved.

On the eleventh of May, Capt. Lithgow wrote from Fort Halifax to Governor Shirley that he had not received answer to his request about the two plans of the fort submitted. He said he had several men sick, and had no doctor to dress a wound in case of an engagement, and continues :

“For the want of your Excellency’s instructions, and for what your Excellency mentioned concerning a redoubt being built that would command the eminence, and lest the workmen should be idle, I have begun a redoubt in a suitable place, thirty-four feet square, four feet and nine inches, the wall’s thickness; two-story high, hip roof, watch box on top, to be surrounded at proper distance with open piquets; this will be cannon proof. The first story is raised, the wall square timber, tyed with oak duff tails.

“This redoubt will command the eminence, as also the falls. It is erected on the highest knowl eastward of the cut path that ascends the eminence. In this building, it will be very necessary that two pieces of good cannon, carrying fourteen or eighteen pound ball, be placed therein. These cannon should be well fortified and as long as the wall is thick. We can make the carriages here, which we can suit to the height of the embrasures.

"I would humbly pray your Excellency's wise consideration on the above particulars, with an answer to your Excellency's most dutiful, humble servant.

"WM. LITHGOW.

"P. Script. Richmond, May 11, 1755.

"Col. Cushing has given orders for the impressment of 100 men, some of which is this day arrived; but I cannot proceed to the transportation of the stores till the whole number be complete, fearing an ambuscade, as I am persuaded the enemy design such a thing."*

In the House of Representatives, Aug. 11, 1755, "voted that a detachment of thirty men be made out of the several companies for the defence of the Eastern frontiers, that are destined to march from New Boston to Frankfort, and from there to the blockhouse on George's River—and that they be employed in guarding the provisions up to Fort Halifax, and in guarding the workmen while at work, as the commanding officer of said fort shall order."

New Boston is now Gray. This body of troops probably marched through what is now Pownal, Freeport and Brunswick, and embarked on the Androscoggin, and thence by Merry-meeting Bay to the Kennebec.

October 30th, the House also "voted that Fort Halifax and storehouse at Cushenoc be garrisoned with eighty men and no more."

* May, 1755. The Secretary laid before the Council a letter he had received from Capt. David Dunning, addressed to his Excellency, dated April 2, 1755, requesting that he may have two whale boats allowed him for transporting his company from Brunswick to Fort Western, on the Kennebec River. Whereupon, advised that the Commissary General give orders that two of the Province whale boats be forthwith repaired, and that Capt. Dunning be furnished with them for transporting his company accordingly.—[*Massachusetts Council Records*.

The number of the garrisons of other forts was fixed by the same vote.*

As the House fixed the number of the garrisons, we may conclude that Capt. Lithgow had completed his barracks and officers' quarters. The winter passed without an attack, and the next spring the garrison became discontented with their long detention.

June 11, 1756, the House voted that His Honor, the Lieut.-Governor, be desired to give orders to Capt. Wm. Lithgow for enlisting forty-three men to relieve those who have been posted at Fort Halifax and storehouse on Kennebeck River for near two years, and that they be paid three dollars bounty at the end of twelve months.

May 13, 1755, Captain Lithgow wrote to the Governor, giving the particulars of the burning of a house at Frankfort, now Dresden, and the killing of one "Tufts and Abner Macon," by the Indians, and says further that "if orders do not arrive to the contrary, I shall abandon Richmond Fort."

June 8th, he again wrote that he had part of the stores up to the fort, sufficient for use until February. The redoubt (on the hill) would be done, all to covering and chimney, in about a week. He says, "the boats, of which I gave a pattern by forming a piece of wood, built by Mr. Wood, of Brunswick, answer the end very well; but the two built in Boston may be recalled as being of no advantage here, so that we have but three boats instead of six, that would answer. Had we had the number I prescribed, should have conveyed the whole of the stores as

* The same month the House voted "that His Honor, the Lieut.-Governor and Commander-in-Chief (Spencer Phips) be desired to give orders to the chief officers in the towns of the Eastern and Western frontiers to oblige the soldiers under their respective commands to go completely armed to their several places of public worship on Lord's days, in this time of danger."

soon as what we did. I was obliged to get whale-boats at Falmouth, and canoes. We had good success—never hurt one of our boats nor wet one mouthful of the provisions.”

Captain Lithgow wrote, on the fourteenth of June, 1755, about furs he had shipped to J. Wheelwright, the Provincial Commissary General. At the bottom he says :

“The boats built at Brunswick answer exceedingly well ; they go as well as a whale-boat, and when loaded draw eighteen inches of water, and will carry twenty-five barrels of pork and bread. The York company, under Captain Bragdon, came just as we were done and returned home. The cannon I will send up by the vessels you order to fetch the goods belonging to the Province.”*

*The goods mentioned were probably those kept at Fort Richmond to supply the Indians, for which furs were received in time of peace. The cannon mentioned were the armament of that fort, and of small caliber, not suited to the new fort. The building of Fort Halifax made that at Richmond unnecessary, and as it was in a dilapidated state it was dismantled. It was standing in 1761. The Rev. Mr. Bailey, the Frontier Missionary, who was located at Pownalborough, now Dresden, was allowed the use of the land around the fort, and moved into the fort for a dwelling, as his people had not provided one for him on the east side of the river. In their petition to the society, for the propagation of the gospel, the people of Pownalborough represent that “in the mean time they can have Richmond Fort for an house for the minister, and the chapel belonging to it for Divine service, and the farm around it for a glebe.” In 1766, Mr. Bailey concludes a letter to the venerable society, with an account of Dr. Gardiner’s liberality in “giving the use of Richmond house and farm for the use of the minister for seven years.”

In 1774, Rev. Mr. Bailey wrote in his journal, “I have a wealthy parishioner, Mr. Ayling, from England, who has purchased Richmond farm to the amount of sixteen hundred and fifty acres, and is on the spot making great improvements.”

“Richmond Fort” stood near the bank of the river, a few rods above the present ferry-house, on the western shore. In a recent visit, the traditional site of the fort was pointed out to me, but there is nothing remaining to verify the tradition.

After Governor Shirley left for the western frontier, Lieutenant-Governor Spencer Phips was at the head of the government. Phips's original name was David Bennet, but he took the surname of his uncle, Sir Wm. Phips, by whom he was adopted.

July 18th, Capt. Lithgow addressed a letter to Governor Phips in very different phraseology from those directed to Governor Shirley. Probably Lithgow knew the Lieutenant-Governor when he was plain David Bennet, of Rowley. He commences thus: "Let me beg, for God's sake, I may have assistance, so that the fort may be completed; for till that time I shall have no peace night or day." It will be noticed that the Captain had received his instructions from Governor Shirley, enclosing the decision of the Committee of War, recommending the acceptance or adoption of his plan for finishing the fort. He continues: "Your Honor may remember my instructions came but the other day, and with them orders to reduce the garrison to eighty men, and with four distinct forts to be defended, viz: at Teconnet, three (that is, two redoubts on the hill and the main Fort Halifax); Cushnoc, one (Fort Western)." He continues: "I suppose it is well known that Fort Halifax is not compact, but built in three distinct parts, and would beg to know if it may be reasonably thought that men can be spared sufficiently out of those four distinct forts to guard the hauling of timber and dragging stone at a distance from the fort, and go up and down the river occasionally, as must be the case till the thing be completed."

Capt. Lithgow did not report progress to Governor Phips as frequently as he did to Governor Shirley. If he did, his communications have not been preserved. He undoubtedly proceeded with the utmost dispatch to complete the fortress, as he was now the engineer as well as the constructor.

May 23, 1757, Capt. Lithgow wrote to the Governor that—

“Rafts were discovered drifting by the fort, which I suppose the Indians used to ferry themselves across, and imagine they have gone down the river among the inhabitants to do mischief. I have duly warned the settlements of the approach, and the boat in which I sent the intelligence was attacked in its return by seventeen Indians, ten miles below the fort. Said boat contained an Ensign and nine men. The Indians first fired within twenty yards of the boat, and wounded two men—not mortally, only flesh wounds, one in y^e side and one in y^e head. The officer and crew behaved very gallantly, and immediately returned the fire upon y^e enemy, who were all in full view. They killed one Indian, who fell on y^e bank and lay in full view during the action, which continued very furious on the boat until she retreated to the other side of the river, in which time several men discharged their guns three times. After our men crossed the river, one hundred yards or less wide, they sheltered themselves behind trees, and so continued till y^e Indians retreated over a piece of cleared land, carrying y^e dead Indian and one who appeared to be wounded.”

1759, Nov. 7, the House of Representatives voted pay and subsistence for two Sergeants, two Corporals, one Armorer, one Drummer and twenty-three privates at Fort Halifax; and for one Lieutenant and nine privates at Cushenoc. Also “voted that the Captain General give orders for discharging the sixteen men who have requested it, and that five dollars be given to three men each, who shall enlist into the service. *If they cannot be enlisted, to be impressed.*”

In 1756, Capt. Lithgow petitioned to have men sent to relieve “those who have been more than two years at Fort Halifax,” saying that “men could not be enlisted for three dollars bounty when they could get six dollars bounty to go to Crown Point in the expedition.” As these men could not be enlisted, the House passed an order desiring the Lieut.-Governor

to issue his order for the impressment of forty-three effective men from out of the lower regiment of the County of York, and, on their delivery at Fort Halifax, that Capt. Lithgow be directed to discharge the forty-three mentioned.

The Provincial government declared war with Indians on the eleventh of June, 1755, and offered to volunteer companies two hundred dollars for each Indian scalp, and two hundred and fifty dollars for each captive.

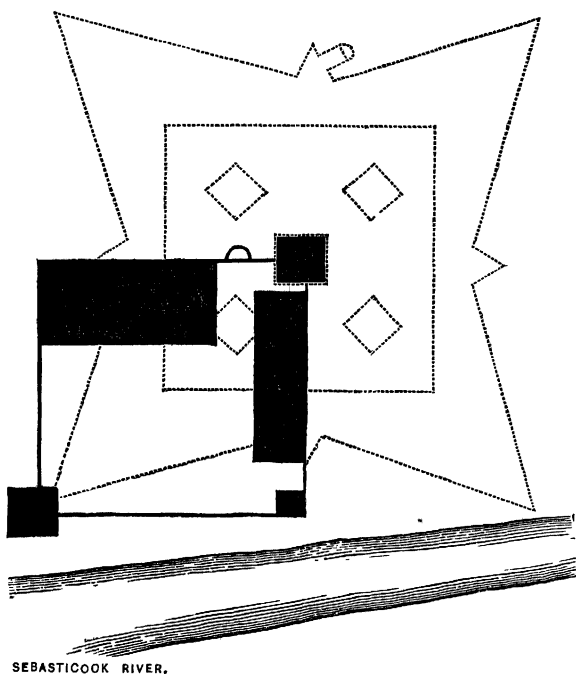
In June, 1756, Great Britain declared war against France, which was not ended until the fall of Quebec.

In the spring of 1756, two of the garrison of Fort Halifax were fishing at the falls, and, notwithstanding they were in sight from the nearest hill blockhouse, they were fired upon by a party of Indians and mortally wounded. One, however, returned the fire. The report of the guns aroused the garrison, who sent relief so speedily that the Indians did not take the scalps of the wounded men.*

It will be recollected that the Council "Committee of Wars" decided in favor of Capt. Lithgow's second plan for finishing the fort. Unfortunately, no copy of his plan was preserved, but from his minute description in his letters to the Governor, the remains of the fort, and from several other sources, I am enabled to reproduce the ground plan, and even the appearance of the several buildings.†

* Williamson's History of Maine, Vol. II, p. 323.

† For a general view of the fortress as it stood when completed, see the frontispiece at the commencement of this article.



GROUND PLAN OF FORT HALIFAX.

GEN. WINSLOW'S PLAN OF 1754 IS REPRESENTED BY THE DOTTED LINES.
 THE CONTINUOUS BLACK LINES AND SQUARES REPRESENT THE
 FORT WHEN COMPLETED BY CAPT. LITHGOW IN 1755.

The cut is inserted to show how Lithgow's accepted plan differed from, and what it included of Winslow's plan of 1754, which is represented by the dotted lines. The continuous black lines and squares show the fort as it stood when completed by Lithgow, in 1755. He used Winslow's center building for his north flanker. It will be noticed that the palisade joined the flankers in the center, permitting one gun from an embrasure on the outside of the palisade to rake that side.

Col. Montresor, an English officer of Engineers, came through from Canada by the Kennebec route to Fort Halifax in about 1760, and kept a journal during his journey. The first leaf of the manuscript, containing the date, is missing. This journal was published in the first volume of the Maine Historical Society's collections. This officer remained two days at the fort, and thus describes it :

“We came to Ticonic Falls, which are immediately above Fort Halifax. We left our canoes and went into the fort. Fort Halifax was built by Mr. Shirley in 1754, to awe the Indians and cover the frontiers of New England. It is square—its defence a bad palisade, (flanked) by two blockhouses, in which there are some guns mounted; but as the fort is commanded by a rising ground behind it, they have been obliged to erect two other blockhouses, and to clear the woods for some distance around. They are capable of making a better defence, and it must be confessed that either of them is more than sufficient against an enemy, who has no other offensive weapons than small arms. The fort is garrisoned by a company of New Englanders and supplied from the settlements below. The tide brings sloops to Fort Western, six leagues below Fort Halifax.”

Col. Montresor evidently thought it impossible to transport even small cannon from Canada, and concluded that the blockhouses on the hill were stronger than the situation required. This manuscript journal fell into the hands of Col. Benedict Arnold, and suggested to him the expedition by this route against Quebec, in 1775.

In 1852, Rev. T. O. Paine, then residing at Winslow, became interested in the history of Fort Halifax, and made excavations and a survey of the foundations, which were then nearly perfect. The result of his investigations was published in the “*Waterville Mail*,” one number of which came into my hands, which I preserved. By the kindness of David Wing, Esq., one

of the publishers of the *Mail*, I obtained the whole of Mr. Paine's paper.* He had not seen the official documents relating to the building of the fortress, but his conclusions are mainly correct, as to the plan, except that he concluded that there were three blockhouses on the hill.

After being shown Montresor's description, he thought that the third blockhouse might have been built after his visit, but this is improbable, as there was no necessity for it. French power had become extinct in Canada the previous year.

Mr. Paine found the well which Gen. Winslow said he had given orders to have sunk, and for which he had "kentlings prepared to secure." These kentlings were probably narrow planks, now called scantlings. As the ground was sandy, they were used like the staves in a cask, to prevent the caving of the sandy soil until it could be bricked up inside. In digging among the stones and earth with which the well was filled, and what he supposes was a vault, Mr. Paine found broken curved bricks, which, when perfect, were twelve inches long, evidently made for the purpose of walling up the well. He says there is a tradition that the water proved bad, and the garrison was supplied from a well 200 feet north of the fort, from which water was then (1852) used. This last well was only five feet deep, while the other is said to have been eighty feet deep, which is evidently a mistake.

Mr. Paine mentions that there was a stone in the back of the chimney of the fort house, on which was cut the name "Wheelwright," but it is missing. There was a Commissary General of the Province named Wheelwright, who was with Governor Shirley on his visit in 1754, but the large house was not built

*There is a revised copy of Mr. Paine's article in the newspaper, now in the library of the Maine Historical Society.

until the following year. Judge Bourne, in his History of Wells and Kennebunk, says that one of the six men who were sent from Wells to guard Fort Halifax in 1756 was Daniel Wheelwright. He undoubtedly cut his name on a stone of the broad chimney-back. Mr. Paine found the place where the gates were, by a wall of masonry, laid in a trench which was a continuation of the cellar wall of the main house. This was to prevent an enemy from digging under the gate.

From Mr. Paine's description of several cannon shot and shells which have been found near the site of the fort, we are enabled to determine the size of the ordnance mounted there. One ball was four and a quarter inches in diameter, which would indicate a twelve pound shot when new. Also a bomb-shell of two and three-quarters inches, which fixes the size of the bore of the "Cohorn mortars" already mentioned. A grape shot, the barrel of a blunderbuss and a sword blade have been dug up at different times and at different points. Many curious people and treasure-seekers have repeatedly turned the soil over in search of valuable relics.

At the time of Mr. Paine's investigation, there was living at Winslow an old lady, Mrs. Elizabeth Freeman, who was born in 1778, at or near the fort. She was the daughter of Ezekiel Pattee, who was Ensign at the fort in 1760, and afterwards kept a store in the fort.* Mrs. Freeman had often heard her father tell of the life they led, and of remarkable occurrences at the fort. One night some of the soldiers went up to "Fort

*The Howard Brothers' account books, kept at their trading house at Fort Western, show that Ezekiel Pattee was in trade at Fort Halifax in 1778. His credits on those books during that year show what he received of settlers as pay for his assorted goods. As the prices are given in depreciated currency, they are of no interest. He is credited by the Howards for barrel staves, 46 moose skins, 7 barrels salmon, shingles, 24½ lbs. of beaver, 2 sables, and 4 muskrats.—[*History of Augusta*, p. 115.]

Hill" to get wood, and came running back, frightened at what they supposed were Indians. They were up all night watching the shadows of the yard pickets, which looked like Indians stooping. This proves that the pickets were of unequal height. Mrs. Freeman said that the largest gun in the hill redoubt was often fired for an alarm gun,* and also on the receipt of good news, and for sport. A Catholic missionary among the Indians lived at the mouth of the mile brook; there was a Mass house at the same place. His name was Bethune. Mrs. Freeman's father kept tavern in the fort house, after the fortress was dismantled. He had many guests from Boston, and other places, who were anxious to know about the fort, and her father's replies and stories she recollected. At the time the officers' quarters were used for a tavern house, the soldiers' barracks were used for a stable. She recollects the sentry's walk on the

*The means adopted during the Indian wars to give settlers notice of danger were reduced to a system. To arm small forts in frontier towns, small cannon and "swivels" were used in the upper story of flankers. In 1744, the General Court authorized the purchase of long nine-pounder guns for alarm guns, which were distributed to frontier settlements, as their report could be heard at a greater distance. These were usually mounted on the ground, and kept charged. In 1746, when Gorham was attacked by Indians, the firing of a six-pounder brought relief from Falmouth, twelve miles off. Every man and boy, and many females, were experts at discovering signs of Indians; even the dogs showed intelligence when they scented or saw Indians. On discovering indications of the common enemy, three discharges of small arms in quick succession communicated notice to the neighborhood, when all fled within the gates of the nearest garrison or block-house; and the long gun communicated the notice of danger to all within a radius of ten or fifteen miles. Signals by smokes were sometimes agreed upon, and piles of brush were kept ready for lighting. Williamson's History says there was another expedient recommended, and to some extent tried, as a security against the sudden and silent incursions of the savages. This was the use of "staunch-hounds," which, by the scent of footsteps, could detect skulking parties and rout or frustrate ambuscades.

ridge-pole of the large house. When a child she was put up there, but was not allowed to walk far, as it was decayed. Mrs. Freeman recollected all the buildings of the fort proper, but the hill blockhouses were removed before her recollection. Her father took down one of them and rafted it down river, and set it up again at the lower part of the town. She said the large house had very small glass in the windows, but the barracks had no glass windows. She recollected what she had heard of Arnold's expedition, which left part of their stores at the fort. Arnold and his staff were there several days. Dr. Senter, a surgeon in the expedition, in his journal, says they arrived there on the twenty-seventh of September, 1775, and remained three days. Aaron Burr was a volunteer with Arnold. Mrs. Freeman heard that Burr made love to the fair Sarah Lithgow (daughter of the Captain) and wrote sonnets on the bark of the silver birch, which he sent to her by his servant, but she would receive no attentions from him.

This is the first bit of genuine romance which has come to my notice, during my investigation of this history. These scraps of tender sentiment should be nursed by historians, and made to pass for all they will bear. To the average reader they are refreshing, while poring over page after page of dry history. They are "like the shadow of a great rock in a weary land." As a truthful chronicler, I am sorry to be obliged to doubt the authenticity of this narration. By consulting the genealogy of the Lithgow family, I find the fair Sarah had, in 1775, been married nine years, and was the joyful mother of children. This does not, however, prove the story to have been without foundation, as she may have been visiting Ensign Pattee's family at the fort. Her father had removed to Georgetown. It is well known that if Burr used rhymes in pursuing his amours, he was not always governed by reason.

Miss Lithgow married Samuel Howard, son of the Captain of Fort Western, and brother of Wm. Howard, who was Lieutenant at Fort Halifax under Captain Lithgow. One who knew Sarah Lithgow wrote that she was a woman "of pre-eminent personal beauty."*

There were several aged people alive when Mr. Paine wrote, who could remember the old buildings of the fort proper, but they knew nothing more than Mrs. Freeman. There was a tradition that after the treaty of Paris, in 1763, the fort was dismantled and abandoned by the colony. It seems that there was no garrison at Fort Halifax when Arnold passed up. He does not mention any in his letters, nor does his surgeon, Dr. Senter, in his diary. Mrs. Freeman, in her narration, says, "Burr came to the *tavern*," or fort house. This, of course, she heard from her parents, as she was not born until three years later.

In 1764, Governor Bernard recommended that Forts Halifax and Western be garrisoned, which implies that they were not then garrisoned. The large building of Fort Halifax, after the fort was dismantled, was used successively as a dwelling house, a meeting house, tavern, for public dancing parties, town meetings, and afterward as a dwelling again for poor families. It was taken down by Mr. Thomas, who built the Halifax House, for a tavern in 1797. Mr. Paine found, by digging, the lower ends of palisades or pickets of oak nine inches square and set close together.

Mrs. Freeman, from whom Mr. Paine obtained many facts, died February 6, 1866, aged eighty-eight years.

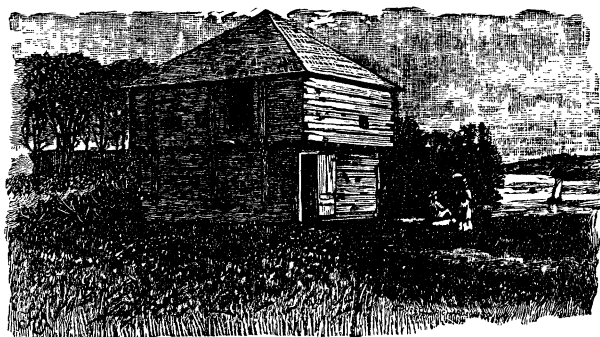
Of this fortress, so long a frontier post between civilization and barbarism, only the south corner flanker, or blockhouse,

*Daniel Sewall, of York.—[*North's History of Augusta*.]

remains to show the manner of constructing these buildings for defence, which were so common a century ago. They stood at the corners of all defensible garrison houses; some were small and were called watch boxes. This one of Fort Halifax is the only one remaining in New England which was built previous to the Revolution, to my knowledge. They are first mentioned by Morton in the New England Memorial, written in 1669.

In his account of the settlement at Plymouth, he says the Narragansett Indians sent to the Pilgrims a bundle of arrows tied in a snake skin, to which they made a spirited reply, and adds, "This made the English more careful to look to themselves, so they agreed to enclose their dwellings with a good strong pale, and made flankers in convenient places, with gates to shut." Most of the dwelling houses two centuries ago, frame as well as timber houses, were built with the second story projecting beyond the lower story, not particularly for defence, but it was the fashion in large towns. I recollect them in Boston, Salem and Ipswich, with turned or carved ornamental drops on the lower end of the projecting posts. Some of these, I think, are yet to be seen in each of the towns named. The only remaining samples of this style of architecture in dwellings in this State, I think, are the McIntire and Junkins houses in Scotland parish, old York. They are called garrison houses, but there are no marks nor tradition of flankers or watch boxes, as there must have been if they were built for defence or refuge. There is a large blockhouse, similar to that at Winslow, at Annapolis, Nova Scotia. It is in a good state of preservation. The walls are covered with clapboards and the original plank shutters to the cannon and musket port holes are yet in place. It was probably built by Gen. Nicholson soon after the old French fortress, then called Port Royal, surrendered to him in 1710. His last "traverse," a trench fifteen feet deep and thirty

feet wide, in the graveyard, within 100 yards of the fort, is as perfect as when, 165 years ago, he had twenty-four Cohorn and two large mortars mounted before it.

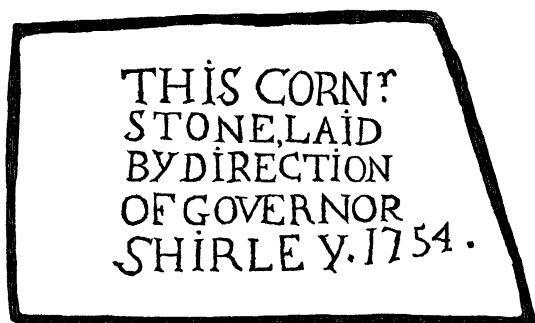


THE SOUTH FLANKER OR BLOCKHOUSE OF FORT HALIFAX, AT WINSLOW,
ERECTED 1755. THE UPRIGHT PLANKS ON ONE SIDE
HAVE BEEN RECENTLY PLACED THERE TO
SECURE THE TIMBERS.

The remaining blockhouse of Fort Halifax was the south flanker, built by Captain Lithgow in 1755. It projected ten feet beyond the east and south lines of the enclosure, and its guns were intended to rake those sides if the fort was attacked; but the defences of this strong fortress, for those times, never were tested. An attack from any force which the French and Indians could have brought against it would have been hopeless. This relic stands at the west end of the Maine Central Railroad bridge, which spans the Sebasticook at Winslow.* The track

*It would be a graceful act for the Superintendent of the Railroad to order those in charge of accommodation trains to "slow up" at this point, to allow passengers to take a hasty look at this military relic of a past age. It would be equally graceful for the town authorities to cause a plain inscription to be placed upon it, with name and date of its erection, for the information of travelers.

crosses the foundation of the large house, which was the dwelling of the officers and the store house. In the State House at Augusta (placed there by Judge Redington in about 1845) is an irregular slate stone of about eighteen inches in height, which bears an inscription, of which the accompanying tracing is a reduced *fac-simile*. The letters are one and one-half inches in length. It was placed by Gen. Winslow in the foundation of his center blockhouse, which became Captain Lithgow's north flanker in the fortress when completed.



A memorial stone, with an inscription, was taken from the fort to the Winslow residence, at Marshfield, by a son of Gen. Winslow, whose name it bore.*

* Gen. Winslow, who selected the site for Fort Halifax, drew the original plan and commanded the expedition for its construction, was the son of Isaac Winslow, of Marshfield, and great grandson of Governor Edward Winslow, of Plymouth Colony.

Gen. Winslow was a Captain in the unfortunate expedition against Cuba in 1740. In 1755, he was commissioned Lieutenant-Colonel in Shirley's regiment, and was next in command to Colonel Monckton in the expedition which resulted in the surrender, in June, of the French forts Beausejour and Gaspereux, at the head of the Bay of Fundy. While in Nova Scotia, it was decided to remove the Acadians from their ancient homes, for no crimes but for fear they would commit some overt act; and Colonel Winslow was

There is also one building remaining of Fort Western—it is a long, low, two-story tenement house, with the original massive chimneys, and dormer windows. Its timber walls are covered with clapboards, and the windows have been enlarged and new sashes put in. It was originally the officers' quarters and store-house. The upper story does not project. There is nothing in its exterior to indicate that it was ever enclosed by a double line of palisades with flankers, in which guns were mounted, and which had watchboxes on top, but such was the fact. In these boxes the sentry looked up and down the river for the coming of the Indians, or the Province sloop, Capt. Saunders, from Boston, with letters from the outside world, supplies for Fort Halifax, and perhaps, as passengers, some of the officials of the Land Company. It might be Dr. Sylvester Gardiner, who

sent with three hundred men to their chief settlement, Grand Pré, on the shore of the Basin of Minas, where he forcibly removed the entire population, numbering 1,923 souls, who were crowded on board insufficient transports and sent to the several English Colonies. To prevent their return or escape, their buildings containing their crops were burned, and their cattle in November left to starve without shelter. In a letter to Governor Shirley, Colonel Winslow said that it was "the most disagreeable piece of service in which he was ever engaged."

Gen. Winslow's next service was as second in command of Shirley's expedition against Niagara in 1756, which proved a failure for want of a sufficient force.

He was a councillor of Massachusetts, and was employed by the Plymouth Company to survey into lots the territory around ancient Cushenoc. His plan, dated June, 1761, is yet the official authority for the settlement of bounds.

He died at the ancient family seat of the Winslows at Marshfield, in 1774, aged 71. His portrait and manuscript journals are in the library of the Massachusetts Historical Society. He left two sons, Pelham and Isaac, who were Loyalists during the Revolution, but remained at Marshfield undisturbed. It was the son, Dr. Isaac Winslow, whom tradition says carried the other corner-stone of Fort Halifax to Marshfield.

was a generous benefactor of the thriving city below, which bears his name. Or perhaps James Bowdoin, who became Governor of his native State. Or the wealthy bookseller, Thomas Hancock, who may have taken with him his nephew, John Hancock, on whom he finally bestowed his wealth, and who not only made his mark, but also wrote his name in an unmistakable hand. Fort Western, originally built for a way station for freight and passengers bound to Fort Halifax, became the nucleus around which gathered the hamlet, the rambling settlement, the village, and finally the capital city of the State, for a few weeks of official residence in which, more planning is done than was required for the erection of the fortification.

It is remarkable that both Fort Halifax and Fort Western, built the same year, should have only one military commander each—Wm. Lithgow* and James Howard, and that both should become Judges of the Court of Common Pleas for Lincoln County.

Capt. William Lithgow, who drew the second plan, and erected the most of the buildings of Fort Halifax, was its only commander after its completion in 1755. His grandson, L. W. Lithgow, of Augusta, wrote in 1857 that his great-grandfather's name was Robert. (Me. Hist. Coll., Vol. v.) "He emigrated

* William Howard was at one time Lieutenant under Capt. Lithgow. His biographer says when he was but nineteen years old; that would be in 1759. That year Governor Pownall mentions in his journal of the Penobscot expedition, the arrival at George's Fort, of "young Lieut. Howard, from Capt. Lithgow, of Fort Halifax," but does not explain his errand. He was the son of Capt. Howard, who was in command at Fort Western, and brother of the coasting Captain, Samuel Howard, who married Sarah Lithgow. They were long in trade at Fort Western, under the firm name of S. & W. Howard. Lieut. Wm. Howard was the first representative from the town of Hallowell, to the General Court. He was a Lieut.-Colonel in the Bagaduce expedition, in 1779. He died at Fort Western in 1810, aged 70 years.

from Ireland, his ancestors having fled from Scotland at the time of the rebellion. He came over to Halifax, and from thence to Boston, where I understand his son William was born, but at what time I cannot state." Mr. L. W. Lithgow is mistaken about Halifax being the first place of arrival. The site of Halifax was a wilderness until the arrival of the fleet carrying the colonists in 1749.

The son William deposed under oath, in 1767, that he was then fifty-two years old, and that when he was about six years old he lived with his parents at Topsham. That would have been in 1721, twenty-eight years before Halifax was settled. He further testified that he fled with his parents to Brunswick Fort for safety from the Indians, on seeing "many settlers taken prisoners and some murdered." This was probably in June, 1722, when the Indians made a descent upon the settlements on Merrymeeting Bay, as described by Capt. Penhallow, page 114 of this volume.

In the Topsham records for 1741, against lot No. 20, is set the name "Robert Lithgood," so spelled in two places, and has the mark annexed indicating "those who built and inhabited three years," and also the word "present," all of which indicates that he took up his lot in 1738. Capt. Minot, the truckmaster at Fort Richmond, in his book, has goods charged to "Robert Lithgow (so spelled), of Topsham," in 1739. In Col. Noble's will the name is spelled "Lithgoe."

Probabilities indicate that Robert Lithgow came over in one of Robert Temple's chartered ships to Boston, and from thence to Temple's settlement, at or near Merrymeeting Bay, and that the son William was then a child of three or four years of age. Mark Langdon Hill, (Vol. v, Me. Hist. Coll.) who was his neighbor at Phippsburg, says, Colonel Lithgow "was by profes-

sion a gunsmith," an artisan who was sure to find employment in those days, when every man was a skilled marksman and trusted in his gun. At the conferences with the Indians promises were usually made that a gunsmith should be kept at each fort to repair the Indians' guns. Most of their fire-arms were light hunting guns with brown barrels, not liable to corrode. They were of French make and bore the crest of the Bourbons. These French gun-barrels are now considered very valuable. In the deposition already mentioned, Captain Lithgow says that he "first became acquainted with the Indian language by trading with them—first at St. George's Fort, and then at Richmond Fort, and at present at Fort Halifax, in behalf of the government, for thirty years past." In 1754, he wrote to Governor Shirley that he had been twenty years in the employment of the government. These assertions show that he was attached to the garrison of St. George's Fort, in 1734, when he was only nineteen years of age. In this same deposition he says he "had command of Richmond Fort in 1748." Captain Lithgow was married to Sarah, only daughter of Colonel Arthur Noble, of Georgetown, previous to November, 1746, as she and her husband are named in her father's will, which was executed at that time. She was born in 1725.

Capt. Lithgow and his wife reared in the wilderness a family of nine children, several of whom became distinguished. On the organization of Lincoln County in 1760, Capt. Lithgow was appointed, with three others, Judge of the Court of Common Pleas, and was continued in the same office under the revolutionary government. When he was first appointed he was in trade at Fort Halifax, which he continued several years after, as the salary of a judge at that time was small. Judge Hill, in his notice of Judge Lithgow, says his house at Georgetown was built in 1766. Of course it must have been built before he left Fort

Halifax, as his deposition of 1767 says "at present of Fort Halifax." He had retained and improved his wife's inheritance, and they had probably become sole owners of the farm at Pleasant Cove. That Capt. Lithgow was carrying on the farm, is shown by the town record of Georgetown. In 1759, "Capt. William Lithgow's mark" for cattle and sheep is recorded as the law required.

Judge Lithgow's house at Georgetown was of two stories, with high stud. Those who recollect, say that it was an imposing structure as it appeared from the river for a long distance below. It did not occupy the site of Col. Noble's house, but was farther up the slope from the high bank. Some twenty years ago, the present owners of the farm divided it and removed the Lithgow house to another part of the farm, and it is now used as a barn, but still showing the spacious outlines of the rooms. The grounds surrounding the old foundations still have the fruit and ornamental trees and shrubs. There is a group of lilacs, some of whose trunks measure eight inches in diameter.

At the extremity of a field west from the old cellar, and near the private road, is the Lithgow burial ground, with no separate enclosure. Each grave has an unpretending head-stone of slate, with a brief inscription. That of the Captain of Fort Halifax reads thus :

IN MEMORY OF
COL. WILLIAM LITHGOW, Esq.,
WHO DIED DEC. 20, 1798,
AGED 86.

His age as given on the stone, we have seen, was an error, according to his age as given in his deposition, which of course was correct. His age at the time of his death was but eighty-three. His wife died November 11, 1807, aged eighty-two, but

I saw no monumental stone. William and Sarah Lithgow had ten children, probably all born at forts Richmond and Halifax. The oldest, Sarah, married Captain Samuel Howard, of Augusta. Susanna married the Rev. John Murray, of Boothbay. Jane died unmarried. Mary married James Davidson, of Bath. Jane died young. Charlotte died unmarried.

Robert, the eldest son, was a sea captain. During the Revolutionary war, he sailed for the West Indies, in command of his father's vessel, and was never heard from afterwards.

James N., another son, resided at Dresden. His son, Llewellyn W., died in June, 1881, at Augusta. Another son of James, Alfred G., resides at Dresden.

Gen. William Lithgow, Jr., the most distinguished of the Judge's sons, entered the Revolutionary army as a Major, and was wounded in the right arm at Ticonderoga, in 1777, for which he received a pension. He was at the surrender of Burgoyne, and his likeness is in Trumbull's painting at Washington. After the war, he commenced the practice of law at Fort Western, having his office in a room of the fort. In 1789, he was appointed, by President Washington, United States District Attorney for the District of Maine. He was twice elected State Senator. He died of disease of the liver in February, 1796, at the age of forty-six, unmarried. He was buried in the family burial ground at Pleasant Cove. His plain slate stone, which is broken, bears the following inscription :

IN MEMORY OF
MAJ. GEN. WILLIAM LITHGOW,
WHO DIED FEB. 16, 1796,
AGED 46.

Arthur, the youngest son of Judge Lithgow, first engaged in trade at Winslow. He was appointed Sheriff of Kennebec

County in 1799, which office he held until 1809. He removed to Boston and held an office in the Custom House. He married Martha, daughter of Edmund Bridge, of Pownalborough; by her he had six children.

Their daughter Mary married Charles Devens, a merchant of Boston. They were the parents of Gen. Charles Devens, who was a distinguished officer in the army during the rebellion. He was United States Attorney General during the administration of President Hayes, and is now (1881) a Judge of Massachusetts Supreme Court.

The younger daughter of Arthur Lithgow married John L. Payson, formerly American Consul at Messina.

There are several descendants of Judge Lithgow not named in this sketch.

In 1766, the territory now comprised in the towns of Winslow and Waterville was granted by the Plymouth Company to Gen. John Winslow, who was a proprietor in the Company, and five associates. Mr. North says: "It was the only township granted by that Company, of which the title was confirmed to the grantees in consequence of their performing their obligations of settlement." Within four years they obtained fifty settlers, twenty-five of whom had families. Their success was probably owing to the security offered by the fort, and by the business which sprung up there, which attracted settlers and caused some soldiers, discharged from the garrison, to remain near.*

In 1771, all of that territory was incorporated as a town by the name of Winslow, in honor of Gen. Winslow, who com-

* Williamson's History says, (II, p. 330) "In 1758, it was proposed to the Legislature by the Plymouth Company, that they would settle fifty families in each of the two townships in the vicinity of Fort Halifax, provided fifty of the men could be employed and paid for garrison duty; a project which the Governor and others favored."

manded the fort and who was one of the original grantees. To his sagacity and skill as a military engineer and land surveyor, the town is indebted for its prosperity, beyond its neighbors, in the early years of its settlement. In gratitude to the memory of its distinguished founder, I hope the old town, and its thriving daughter Waterville, will keep in repair the remaining relic of the fortress, which gave its name to the region round ancient "Ticonnet" for many years.

The old blockhouse has recently had its roof covered with shingles and the decayed timbers replaced with new, but its walls should be protected from the weather by some covering, which would preserve it for an indefinite period. Its structure could be examined as well from the inside as the outside. Captain Lithgow wrote to Governor Shirley that the fort, properly built and clapboarded, would last a century. That has long since passed, and although not clapboarded, one building yet remains, a relic of the military engineering of a by-gone age, and year by year increases in interest. It is the last of its kind and period in New England. These remains of the Kennebec forts seem like mementoes of the Pilgrims of the Mayflower. They were the direct outgrowth of their enterprise, and should be preserved as cherished relics of the French and Indian Wars.

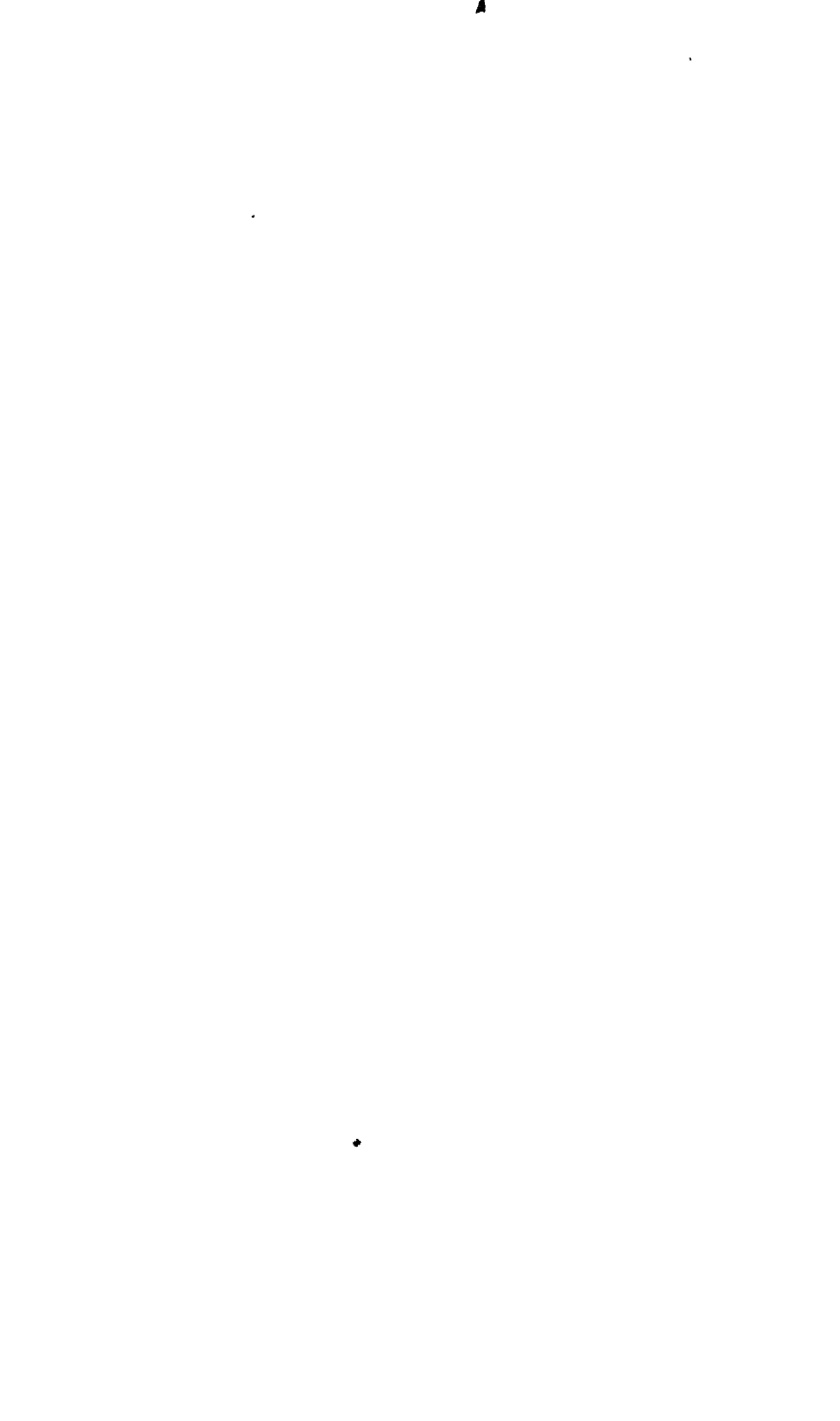
ARTICLE VI.

COL. WILLIAM VAUGHAN,
OF MATINICUS AND DAMARISCOTTA.

BY

HON. WILLIAM GOOLD, OF WINDHAM.

READ BEFORE THE MAINE HISTORICAL SOCIETY, AT
PORTLAND, MARCH 14, 1878.



COL. WILLIAM VAUGHAN,
OF MATINICUS AND DAMARISCOTTA.

It seems fitting and proper that the Maine Historical Society, which has in time past received the fostering care and bounty of the State, should, to deserve continued aid, rescue from oblivion, while they can, the unwritten history of the fathers and mothers of the scattered homes and hamlets which chrystalized into corporate towns of the Commonwealth; those people who first erected landing-places in her coves and islands, from which they sailed out to take fish for food and traffic; those who felled the forest and made fair plantations which attracted others from the old countries; those who sought out places to set their wheels under the waterfall, to obtain power to grind their corn, and to saw up the trees that encumbered the fertile soil, to make them into merchandise; and those who built the vessels and sailed them to carry their fish and lumber to other countries to exchange for the necessities and comforts of life. And especially should we seek out and record the acts of their trusted leaders in defence of these homes, fishing stages, plantations, mills and ships, their humble worshipings on the Sabbath and on feast and fast days, which the pioneers were often compelled to perform in secret, being, like the apostle, "in perils by

the heathen, in perils by their own countrymen," who thought it a sin to say the Apostles' creed, the Lord's prayer and the ten commandments, from the book of common prayer.* In accordance with this obligation, what I have done for the Society has been in this direction.

Hon. George Folsom, in addressing the Maine Historical Society in 1846, said :

"If Historical Associations should do no more than point out the resting places of departed merit, disencumbering the humble tomb-stone of its moss, and freshening the sod that lies upon the grave of genius, they will perform a truly grateful, though it may be humble office, and be the means of holding up to public view examples worthy of imitation."

Colonel William Vaughan, the projector of the Louisburg expedition, long had his home and business establishments in Maine, previous to that time. He was born on the New Hampshire bank of the Piscataqua, opposite Kittery, the birth-place and residence of Gen. Pepperell, the commander of the army in that expedition. Major Wm. Vaughan, the grandfather of the Colonel, came from England and settled at Portsmouth about the middle of the seventeenth century, where he became a wealthy merchant. In 1668, he married Margaret Cutt, daughter of Richard Cutt, who, with his two brothers, John and Robert, came from Wales previous to 1646. Richard first carried on the fishery at the Isles of Shoals, and finally removed

*In 1660, Rev. Robert Jordan, a Church of England clergyman of Spurrink, was summoned by the General Court of Massachusetts to appear before them to answer for his irregular practices in baptizing the children of Nathaniel Wallis, "after the exercise was ended on the Lord's day, in the house of Mrs. Marworth, in the town of Falmouth."

The baptismal font brought from England by Mr. Jordan previous to 1640, and which has, until within a few years, been retained by his descendants, is now in the cabinet of the Maine Historical Society.



to "the Bank," now Portsmouth, where John had already settled, and Robert built ships at Kittery, near where the Navy Yard now is. When New Hampshire was separated from Massachusetts, in 1679, the King appointed John Cutt President under the charter. This family of Cutt have latterly held a prominent place in York County under the name of Cutts. While Major Cutt, of the York County regiment, was at Louisburg, he met a British officer who spelt his name "Cutts," and the Maine family adopted that mode of spelling the name.

At the time of his death, in 1690, Major William Vaughan held the office of Recorder of the Province. He left one son and six daughters. His only son, George Vaughan, who was born in 1668, graduated at Harvard College in 1696. He soon after went to London, where he was employed as agent for the Province. By the influence of his father's friends in England, he was appointed, by George the First, Lieutenant-Governor of New Hampshire. He arrived at Portsmouth with his commission in October, 1715. He held the office one year, when, after an altercation with Governor Shute, he was removed. Lieutenant-Governor George Vaughan died at Portsmouth in December, 1725, leaving two sons and five daughters.

William Vaughan, whose active career calls for this memoir, was the eldest son of the Governor. He was born in Portsmouth, N. H., Sept. 12, 1703. His mother's maiden name was Elizabeth Elliot, of Newcastle, N. H., who was married to Governor Vaughan after the death of his first wife, Mary, a sister to Governor Belcher, of Massachusetts Province. She died at the birth of her first child, in 1699. Governor Vaughan died in 1724, aged 44.

William Vaughan graduated at Harvard College in 1722, at the age of nineteen. In the class of thirty-one, his name stands third—the standard then being social position, and not personal

merit, and was entitled to the prefix of Mr. to his name, an honor which six of his class were not considered entitled to. Vaughan's first business, after leaving college, was that of a merchant, in Portsmouth, in which he continued several years after the death of his father, but this was not a field suited to his active mind.

In about 1728, Mr. Vaughan established a fishing and trading post, at the island of Matinicus, off the entrance to Penobscot Bay, where he employed a number of small vessels in the Newfoundland Bank Fishery. Here he set up his stages to dry his fish, and built houses for himself and his men, the foundations of which are yet remaining, and are pointed out as the remains of "Squire Vaughan's" village. When Col. Dunbar arrived at Pemaquid in 1729, with a commission from the Crown to "settle and govern the Province of Sagadahoc, whose boundaries were the rivers Kennebec and St. Croix," Vaughan's fishing hamlet came within Dunbar's jurisdiction. Vaughan was then twenty-five years of age, fearless and energetic, such a person as Dunbar wanted to consult with in his plans for the settlement of his Province.

Mr. Vaughan had undoubtedly explored the Damariscotta River and the shores of the extensive pond of which it is the outlet, where grew immense quantities of the pine timber which was considered so valuable in Europe. Governor Dunbar also held the office of "Surveyor of the King's woods," which, with his commission to settle and govern the Province, gave him power to make grants of land, and he undoubtedly granted these shores of Damariscotta Pond and River to Vaughan, although I have found no authentic record of the fact. There is a tradition that Dunbar's records were burned in a dwelling house. It is not surprising that, in the bitter controversy that sprang up, these records should be missing, as many squatters were inter-

ested to put them out of the way, and the Indian enemy could be made the convenient scape-goat to bear the crime. The titles given by Dunbar were perpetual lease-holds, with a nominal rent of "a pepper-corn when demanded," after the antiquated English custom. There are records of many deeds of purchase to Vaughan from Indians and others, covering these same lands, which Vaughan probably obtained to strengthen what he feared would prove a doubtful title. In some of these deeds the celebrated oyster shell banks on the Damariscotta River are named. Vaughan also conveyed several lots to others, probably to men in his employ.

At the outlet of Damariscotta Pond there is a natural dam or ledge, in which there is an opening of less than twenty feet, through which the river flows and immediately commences to fall, making a very large water power, by falling over fifty feet in as many rods. On these falls Mr. Vaughan built two double saw mills and a grist mill (gang saws were not in use until 1799). The tide flows, bringing small vessels to within a few rods of the falls, but Mr. Vaughan usually rafted his lumber down to the Eddy, two miles below, to ship.

By the Massachusetts charter of 1691, all white pine trees of two feet in diameter at one foot from the ground, were reserved, under a penalty, for masts for the Royal navy. This reservation must have included one-half of the pine timber if it was enforced; therefore, it was for Mr. Vaughan's interest to take Dunbar's side of the controversy, right or wrong, which finally caused his transfer to the Province of New Hampshire as Lieutenant-Governor, but retaining the surveyorship of the woods, still residing at Pemaquid, and at his splendid seat on Damariscotta River. The commission as Lieutenant-Governor of New Hampshire, Dunbar could not have obtained without the assistance of Vaughan and his friends at Ports-

mouth, as Col. Samuel Waldo, Senior, who was a large owner in the Muscongus patent, was, by the opposers of Dunbar, sent to England to obtain his removal from the government of Sagadahock, which was finally effected; but instead of being neglected at home, he received 200 pounds to resign his surveyorship of the woods, and was in 1743 appointed Governor of St. Helena. This shows that what has been written by the historians of Massachusetts of the time, was in the interest of Governor Belcher and his party, and is not entitled to full credit.

The following extract of a letter from Mr. Vaughan to his relatives at Piscataqua, gives an inside view of his lumbering establishment and the life he led at Damariscotta. The letter has no date, but from what he says about the hourly expectation to hear "that France has joined Spain in a war against England," fixes the date at 1743 or the spring of 1744, as war was declared by France in March of that year.

Mr. Vaughan says:

"We are all well, though in other respects exceedingly unfortunate. The times are likely to be dangerous in such a remote place as this. The people are hourly expecting to hear that France has joined Spain in a war against England, and as the Indians are so much under the French (a Jesuitical influence), that if there are not some cautionary preparations made by the government to secure these parts, it will be dangerous for them to tarry here. The Irish people are not so much moved, as many of them have not been acquainted with the barbarities of the Indians, but the people in my concerns are mostly English, from Dover, Somersworth, Oyester River, Exeter, Kittery and Scarborough, and are actually about seventy souls, men, women and children, that live in my houses around me, and the men usually employed in my service. Some of them have had their fathers and mothers killed; some their

other relations; others have been wounded in their own persons by the Indians in the former wars. They are in a great uproar, and say they will leave the place if some security is not procured for it."

He goes on to state that the place was of great importance to the government, and that it had been of considerable importance to the Indians in time of war.

Whether Vaughan gave up his fishing establishment at Martinicus, when he moved to Damariscotta, is uncertain. He owned the two islands at the time of his death. He was undoubtedly curing and shipping, with his lumber, salmon, shad and alewives at Damariscotta, as they then in the spring filled the river, seeking a passage to the pond. The salmon have disappeared, but the annual catch of the other migratory fish is yet valuable, and is yearly sold at auction for the mutual benefit of the towns of Newcastle and Nobleborough, of which the river is the boundary.

From a deposition given in 1812, in the controversy about the title to lands in Lincoln County, we obtain more and authentic information about Mr. Vaughan's Damariscotta establishment and the extent of his possessions, and of the desired security against the Indians which he furnished to his people.

Nathaniel Rollings, of Jefferson, deposed as follows:

"My father told me, at six years of age, that he removed to Damariscotta, now Newcastle, at the request of Capt. William Vaughan, who also lived there. Vaughan had large ox teams, which he let out to get logs. My father worked with one until 1745. Also assisted Vaughan in building a garrison to protect the settlers against the Indians. This fort was 100 feet square, built of hewed and sawed timber, about seven inches thick. Vaughan owned all the land on both sides of the pond and on both sides of

the river, down to the ledges, which are about five miles below the toll bridge. I have worked for Vaughan, getting logs two miles above the head of said pond. I am well acquainted with a meadow about one mile above the head of said pond, called Vaughan's meadow, which I knew persons to occupy under said Vaughan for many years. There are sundry meadows on the westerly side of said pond, about one mile distant therefrom, being within said claim, all of which I have often mowed, under said Vaughan. He put a considerable number of settlers on his claim on the east side of said pond and river, and himself built a large house and lived in it, on the east side of said pond, and made large improvements there, set out an orchard, and built a large barn, and he used to have twenty yoke of oxen at a time, and a large number of cows, horses and other creatures. I remember once hearing said Vaughan and sundry old people at that time (now all dead) speaking about the land said Vaughan owned at Damariscotta, and Vaughan said his claim extended from the head of said pond down to 'the ledges.' I also remember hearing him say that he purchased a considerable part of said lands of the Indians. And I know of and saw the said Indians come to Vaughan and get their pay for land they had sold him. And he delivered them eight quarters of beef at one time, towards said purchase. After the death of said Vaughan, I recollect one Temple, who pretended title under the Plymouth Company, came down and built on part of the Vaughan claim, and an action was commenced by Elliot Vaughan and James Noble, executors of Vaughan's will, against Benj. Hutchins, tenant of said Temple, and a special court was holden in the garrison house, in which I then lived, and the Vaughan claim prevailed."

In confirmation of the last part of this deposition, I find in the account of James Noble, of Boston, executor of Vaughan's will, these items :

"Oct. 1755. To the hire of schooner to carry the Justices and Sheriff to Damariscotta to remove a person from the land of the

deceased. To their wages and fees, and wages of a guard that attended them, being a time of war, and their subsistence.

“To my time on said affair, 33 days.”

Benjamin Jones, of Newcastle, in his seventy-first year, in 1812, deposed that he always understood from his father and other old people that William Vaughan built the first mill at Damariscotta, and that Damariscotta Pond was called “Vaughan’s Pond.”

“My father died on said Vaughan’s land, and I have always lived thereon, under said Vaughan. There was a garrison or fort, nigh said mills, which was said to have been built by William Vaughan. When Elliot Vaughan came down as executor, he took possession of said fort, and having a vessel at the Eddy, in Damariscotta, he sent down a raft of lumber to said vessel, with sundry persons as guard, and on their return to said fort, Joseph Jones, one of my brothers, and Plato, a negro of said Elliot Vaughan’s, were both wounded by the Indians. The negro was wounded in three places and was ever after a cripple.”*

In 1743, although Nova Scotia had no English inhabitants, except the garrisons at Annapolis Royal, and at a fort at Canso, which was a harbor of much resort by fishing vessels, the territory was the property of the Crown of Great Britain, and was in the care of the government of Massachusetts Province, to which it was joined by the charter of 1691. It was guarded with zealous care by the Province, as the safety of their fishing vessels depended upon its possession. March 15, 1744, war

*In Elliot Vaughan’s account, as executor, on file at Alfred, are these entries:

“Sept. 1750. To paid Dr. Winslow, for dressing Plato’s wounds.
To Plato’s lost time, six months.
To his dammage, being doubly crippled.
To two gallons of rum, to dress Plato’s wounds.”

was declared by France against England, and before the news could reach Boston, an armament was fitted out at Louisburg, Cape Breton, which assailed the fort at Canso. The garrison, consisting of ninety men, surrendered, and were carried to Louisburg, where they were held a short time as prisoners, until they were exchanged and arrived at Boston. Their arrival caused much resentment against the French. The Canso garrison, while at Louisburg, lost no opportunity to examine the defensive works of that stronghold of the French, as it was the key to the river St. Lawrence. Capt. Vaughan was at Boston when the Canso men arrived, or he immediately went there, where he met them and learned that, in their opinion, the place might be taken.

Hutchison's history (1795) says, "Mr. Vaughan, *who had been a trader at Louisburg*, was very sanguine that the place might be taken by surprise."

Except Parsons's life of Pepperell, about all that has been written in this century concerning the inception of the Louisburg expedition has been taken from the account of that enterprise written by the polished historian of New Hampshire, Dr. Belknap. He had uncommon facilities to learn the history of the conception and progress of the siege. He was educated under the ministry of the Rev. Thomas Prince, of the Old South Church, of Boston, who had a large collection of original documents relating to the history of New England and Nova Scotia, which he had been fifty years in collecting. At his death, in 1758, these manuscripts were left to the care of the Old South Church, and were kept in an apartment in the church tower; but they were destroyed or scattered while the British soldiery were in the occupation of that building, during the first year of the Revolution. Dr. Belknap was familiar with Mr. Prince's collection of manuscripts, and with all persons who took an

interest in the early history of New England in his time. His account of the siege of Louisburg was written in 1784, only thirty-eight years after that event, and while a large number of those who took a part in it were alive: of course his account may be received with confidence.

Most of the writers who depend upon Dr. Belknap for historical authority, vary his language, and some pervert his facts. As I cannot hope to improve his style, I give what he says relating to Mr. Vaughan, in his own words. He says:

“Vaughan was largely concerned in the fishery, on the easterly coast of Massachusetts. He was a man of good understanding, but of a daring, enterprising and tenacious mind, and one who thought of no obstacles to the accomplishment of his views. An instance of his temerity is still remembered. He had equipped a number of small vessels at Portsmouth, to carry on his fishery at Matinicus. On the day appointed for sailing, in the month of March, though the wind was so boisterous that experienced mariners deemed it impossible for such vessels to carry sail, he went on board of one, and ordered the others to follow. One was lost at the mouth of the river; the rest arrived with much difficulty, but in a short time, at the place of their destination. .

“*Vaughan had not been to Louisburg*, but had learned from fishermen and others, something of the strength of the place, and nothing being in his view impracticable, which he had a mind to accomplish, he conceived a design to take the city by surprise, and even proposed going over the walls in winter on drifts of snow. This idea of a surprisal forcibly struck the mind of Shirley, and prevailed with him to hasten his preparations, before he could have an answer or order from England. Governor Shirley laid his matured plan before the House in secret session. At the first deliberation the proposal was rejected, but by the address of the Governor, and the invincible perseverance of Vaughan, a petition of the merchants concerned in the fisheries was brought into Court, which revived the

affair, and it was carried in the affirmative by one voice, in the absence of several members who were known to be against it. Circular letters were immediately sent to all the colonies, as far as Pennsylvania, requesting their assistance, and an embargo on their ports. With one of these letters Vaughan rode express to Portsmouth, where the assembly was sitting. Governor Wentworth immediately laid the matter before them, and proposed a conference of the two houses, to be held the next day. The House of Representatives having caught the enthusiasm of Vaughan, were impatient of delay, and desired that it might be held immediately. It was accordingly held and the committee reported in favor of the expedition.

“In the army Vaughan was commissioned a Lieutenant-Colonel, but refused to have a regular command. He was appointed one of the council of war, and was ready for any service which the General might think suited to his genius. He conducted the first column through the woods in sight of the city, and saluted it with three cheers. He headed a detachment, and marched to the north-east part of the harbor, where they burnt the warehouses containing a large quantity of wine and brandy, and the naval stores. The smoke of this fire being driven by the wind into the Grand Battery, so terrified the French that they abandoned it and retired to the city, after having spiked the guns and cut the halyards of the flagstaff.

“The next morning, as Vaughan was returning with thirteen men only, he crept up the hill which overlooked the battery, and observed that the chimneys of the barracks were without smoke, and the staff without a flag. With a bottle of brandy which he had in his pocket (though he never drank spirituous liquors), he hired one of his party, a Cape Cod Indian, to crawl in at an embrasure, and open the gate. He then wrote to the General these words :

“‘May it please your honor to be informed, that by the grace of God and the courage of thirteen men, I entered the Royal battery about nine o’clock, and am waiting for a reinforcement and a flag.’

“Before either could arrive, one of the men climbed up the staff with a red coat in his teeth, which he fastened by a nail to the top. This piece of triumphant vanity alarmed the city, and immediately an hundred men were dispatched in boats to retake the battery; but Vaughan with his small party on the naked beach, and in the face of a smart fire from the city and the boats, kept them from landing till the reinforcement arrived.

“In every duty of fatigue and sanguine adventure he was always ready, and the New Hampshire troops, animated by his enthusiastic ardor, partook of all the labors and dangers of the siege.”

Such is Belknap's account of Col. Vaughan's services in the siege and its inception. Col. Vaughan opened the fight, and fixed the standard of gallantry by his fearless resistance to the landing of the enemy, who were ten times his own number, and under a brisk fire from the city upon his little band standing on the open beach. This fearless exploit of “holding the fort” was the first success at Louisburg. It encouraged the troops in landing their siege guns through a dangerous surf, and in dragging them through a morass on timber sleds to prevent their sinking. In this service the troops were engaged fourteen successive nights in mud and water.

In the Grand battery were found twenty-eight 42 pound cannon, two eighteens and 280 shells, with cannon balls and other munitions of war. This acquisition weakened the means of defence on the part of the French, and transferred to the English a powerful means of protection in the erection of their advanced batteries. This was an annoying, offensive work, all built and armed, to their hands. The French fired briskly on this battery from the citadel, with cannon and mortars, but Col. Vaughan continued to drill the spikes from his guns, and as fast as they were freed he turned them on the city wall with success. And the Maine fisherman, millman and merchant,

who first conceived the plan to take Louisburg, captured the first guns, and was the first to batter its walls and gates.

This expedition was tinged with religious romance—in fact it had the air of a crusade. It was Protestant against Papist. It is said that a very zealous clergyman carried on his shoulder a hatchet for the purpose of destroying the images in the French churches. Deacon John Gray, of Biddeford, wrote thus to Gen. Pepperell: “O that I could be with you and dear Parson Moody in that church, to destroy the images there set up, and hear the true gospel of our Lord and Savior there preached.”*

The Roman Catholic religion was viewed by New England as the leading element of the almost continual strife in which they had been involved with the natives. In the history of Wells and Kennebunk, Judge Bourne, the author, says that the ministers of York County were assembled together at York, on the day of the capitulation, for prayer, that a blessing might attend the expedition. The Rev. Joseph Moody, of York Upper Parish, son of the Chaplain with the army, led the supplications in a prayer of two hours in length, for the speedy reduction of the city. In the midst of his prayer he exclaimed, “It is done. It is delivered into our hands,” and went on blessing God for his mercies. On the return of the troops, it was verified that this remarkable exclamation was uttered at the same hour with the signing of the capitulation. Judge B. says: “Of the facts stated, there can be no doubt.”

All are familiar with the result of this siege. The city capitulated on the sixteenth of June, after a siege of forty-seven days, which gave the captors two thousand French troops as prisoners,

*After the surrender of the city, the Provincials held a Thanksgiving service in a French church within the walls. From this church a metallic cross was taken, which has been placed over the entrance to the library of Harvard College.

seventy-six cannon and mortars, six months' provisions, and an immense amount of other property. The loss to the besiegers was 130, and of the French 300 were killed within the walls. Gen. Pepperell threw into the city and batteries nine thousand cannon-balls and six hundred bombs, which made a complete wreck of the fortifications and city walls, which were thirty-five feet high on the land side. On entering the city, the extent and strength of its defences made it apparent that Vaughan misjudged in his plan to take the city by surprise, although many of the besiegers were of the opinion that, if the entire army had been landed and ready to follow Colonel Vaughan in the first movement, the city might have been taken at that time by storm. Of Colonel Vaughan's services after his first exploit, very little is said in the journal of the siege. Undoubtedly he was looked upon as a dangerous rival, and one likely to reap his full share of the laurels. Subsequent events seem to confirm this. Three days after the surrender of the city, Colonel Vaughan wrote a letter to a friend in Portsmouth, from which we can judge of his treatment, and his own feelings thereon :

“LOUISBURG, June 19, 1745.

“I have lived here in great bitterness of mind, and have cheerfully done my duty at the same time, despite those who chose to fret me. I rejoice at the opportunity of wishing you joy of our conquest of Louisburg. They surrendered the sixteenth and we entered the seventeenth. I have reason to be thankful for what I have done in this affair. I hope to sail to-morrow for London.”

He received letters of introduction from his friends to some gentlemen in London, and one of them paid him the following handsome compliment, in a letter which was received by one of Vaughan's relatives about a year after his departure :

“I have seen your kinsman and his papers, and according to what appears to me, he was not only the *primum mobile*, but the very thing in this grand affair. And were I to be judge and rewarder of his merit, I should think him worthy of the utmost notice, profit and honor. And yet I am afraid of the upshot of his time, fatigue, bravery and expense. You may depend that according to your desire, I will do him all the good and service I honorably can, for I have a great value for his virtue in general, and for his solid, firm, intrepid, persevering temper, but I suspect ——— has cut the grass under his feet, and set him in a languid light here, lest he should otherwise eclipse his own lustre.”

The name understood, and meant by this blank, was undoubtedly Governor Shirley, as he claimed to have originated the expedition, and received the same year, from the Crown, a commission in the Regular Army, as “Colonel of Foot,” which was an office of emolument and honor. Gen. Pepperell could not be meant, as he was immediately created a Baronet of Great Britain, by the King, who was in Hanover when he received the news of the surrender, and the patent was sent from thence. Sir William remained at Louisburg a year, and also received a Colonel’s commission in the regular army while there.

Much is now said about the degeneracy of public men, but in my investigations I find the same jealousy and intrigue crops out in the history of ante-Revolutionary times as we find now, although perhaps not of such reckless character. The most desired preferment at that time was that obtained from England. Royalty presented the prize to the uplifted eye, and the coveted position was to represent that Royalty in some way in the colonies.

Undoubtedly, Gen. Pepperell was afraid to recommend Col. Vaughan to the Duke of Newcastle, Secretary of War, as highly as he deserved, as he himself was looking for promotion, and

was careful not to offend the other Colonels. In a letter to Gen. Walcot, of the Connecticut troops, dated at Louisburg, December 10, 1745, Gen. Pepperell said :

“In my letter to the Duke, a copy of which I send you herewith, I enclosed a list of all the officers in the campaign, and your name in said list was entered next to my own, and every other officer in the army according to his rank, and stated that they and the soldiers had all behaved bravely.”

Col. Vaughan remained more than a year in England, hoping that his distinguished services would be acknowledged and rewarded by his Sovereign, but undoubtedly there was a secret influence operating against him. He unfortunately took the small pox, and died in London, in December, 1746, aged forty-three years. From the contagious disease of which he died, it is probable that his relatives did not recover his body. His will was dated at Boston, Feb. 24, 1744, the day that the Massachusetts troops sailed from Boston. This settles the point that he sailed with the Massachusetts forces, as the New Hampshire troops sailed and arrived at Canso a few days before them. Gen. Pepperell's fleet harbored three days at Sheepscot. Undoubtedly Col. Vaughan took this opportunity to visit his home at Damariscotta for the last time, and in passing Penobscot he could see his fishing village at Matinicus Island. His will directed that his large estate should be divided into five equal parts, to his brother Elliot Vaughan, his sister Jane, who afterwards married James Noble, of Boston (these two were appointed executors), and the heirs of three other married sisters. He was a bachelor.* His will commenced thus: “I, Wm.

* All the historians of Maine, from Williamson down, make the erroneous assertion that “Major James Noble married the *widow* of Vaughan.” She was his *sister* Jane.

Vaughan, of *Damariscotta*," which fixes his place of residence at the time, and the fact of his sailing with the troops from Maine is good evidence that he was one of them.

In 1812, the Legislature of Massachusetts granted to his heirs a half township of land for "services performed and moneys expended," which makes it more than probable that his commission was from Gov. Shirley, although Dr. Belknap seems to intimate that he served with the New Hampshire troops.*

It may be of interest to know that after the lapse of a century and a half, since Colonel Vaughan established his business and residence in Maine, that at both Matinicus and Damariscotta are yet the remains of his dwelling houses and garrisons, and a well defined tradition of his business operations and the men whom he employed. Their children's grand-children speak of him as "Squire Vaughan," as he was called, and point out the locations of his dwellings and forts.

The Island of Matinicus, like all the Islands on the coast of Maine which had a sheltered anchorage, was early occupied by fishermen. In the journal of his coasting trip, in 1674, Henry Josselyn says, "Pemaquid, Matinicus, Monhegan and Cape

*The unwieldy bulk of a silver currency is shown by the manner of reimbursement to the colonies for their outlay in this expedition. After three years delay the money was repaid by the British government, amounting to 183,700 pounds sterling. It was landed from a ship of war at Long Wharf, Boston, in the fall of 1749, in the form of 653,000 ounces, or over 20 tons of silver and ten tons of copper coin. Silver was then, and to the middle of the present century, the common standard and regulator of values, but it was required to be of honest weight. Although the amount of the payment was only \$800,000, it was contained in 215 chests, and probably required twenty-five two horse wagons to transport the silver alone from the ship to the Province House. Except 16,000 pounds sterling, which went to New Hampshire, the people of Massachusetts appropriated this money, with a further sum of 75,000 pounds from the Province treasury, to redeem their depreciated paper currency at its market value.

Newagen, are all filled with dwelling houses and stages for fishermen—have plenty of arable land and marshes.” In 1704, the celebrated Colonel Church, with 550 men, in 14 transports, with three armed ships, made a cruise against the eastern Indians and the French of Nova Scotia. He mentions his harboring at Matinicus. This Island is seventeen miles south-east of Rockland, and the same distance east of Monhegan. It is two miles in length and one in breadth, and contains eight hundred acres of well cultivated land and about two hundred inhabitants. The harbor is formed by two other small islands on the east and south-east. There is a good depth of water. One of Colonel Church’s ships carried forty-eight and another thirty-two guns. On the eastern side of the island, and near the head of the harbor, there still exists the foundation of a building which has been pointed out by father to son, as the location of the house in which lived “Squire Vaughan.” On the opposite side of the narrow harbor is the remains of what is said to have been a fort, built to protect the place against the French cruisers, and near it are the ruins of stone houses, which tradition points to as the houses occupied by Vaughan’s men, and the fort was probably his. The recollections of Colonel Vaughan’s last place of residence, at Damariscotta, are better defined. Some writers have said that Vaughan’s house was burned, but neither of the depositions quoted mention such a catastrophe, which, if it had happened in such a small settlement, would probably have been spoken of.

Rollings says he worked for Vaughan when he went to Louisburg, as did his father before him; that he lived in the fort ten years after Vaughan’s death. He says, “Vaughan built a large house on the east side of the pond and lived in it,” but says nothing about its burning, nor of the burning of a previous one. There are men now living who recollect the house

in question, and of its being taken down, and point out the cellar, garden, and the trees remaining of his orchard. Near the mills, and the place pointed out as the spot on which stood the fort, are ledges which have been walled up to make them level, on which are now the remains of chimneys. On these are said to have been the houses alluded to in Vaughan's letter, in which he says: "Actually about seventy souls, men, women and children, live in my houses around me."

Not only was the plan to reduce Louisburg projected by a Maine man, but a native born citizen of the district was selected for the commander, and two entire regiments, with their officers, were from the territory now forming our State. Williamson, in his history, says that Brigadier General Waldo lived in Falmouth. This is not quite true, yet he was a very large land holder in the town, and lived here more than in Boston, where his family then resided. He long held a commission as Colonel of the regiment, which included Falmouth, which town had 500 militiamen, 50 of whom were at Louisburg. Col. Waldo has often been confounded with his son, of the same name and title, who was long a leading citizen of Falmouth.* The same historian makes a similar mistake in saying that Commodore Edward Tyng, who commanded the Provincial squadron at the siege, was a resident of Falmouth. He was born there, and his father, of the same name, was a resident, which undoubtedly led to the mistake. Commodore Tyng's son

* In a farewell address to the New England troops on the second of April, 1746, Admiral Warren, who had received his commission as Governor of Louisburg, said: "Brigadier Waldo will go with you. On Wednesday next we shall be able to land some more of the Gibraltar troops, who, with those who have enlisted *into* [should be *from*] the American regiments will mount all the guards and give you an opportunity to get yourselves ready to embark on board the vessels now preparing for you."—[*Parsons' Life of Pepperell*].

William, the first sheriff of Cumberland, also was a resident of Falmouth.

This reduction of Louisburg, the Gibraltar of America, was the only important victory of the war, which closed in 1748, by the treaty of Aix la Chapelle. The Island of Cape Breton, including Louisburg, passed again into the possession of the French, much to the chagrin of the New England Provinces.

ARTICLE VII.

NORAMBEGA.

BY

JOHN E. GODFREY, OF BANGOR.

READ BEFORE THE MAINE HISTORICAL SOCIETY, AT
PORTLAND, MARCH 30, 1876.

N O R A M B E G A .

Between a line drawn due north from Pemaquid to the "Great river of Canada" and the west line of the Province of New Brunswick, lies the earliest occupied region of the State of Maine and of New England. It averages about ninety miles in breadth by about two hundred in length. It embraces the Counties of Washington, Hancock, Penobscot, Waldo, Knox, and a part of the Counties of Lincoln, Somerset, Piscataquis and Aroostook, and contains a population of about 300,000 souls.

In the early history of the country this territory was under the jurisdiction of the French, and, with Nova Scotia and New Brunswick, bore the general name of Acadia. The occupancy of the French, however, probably never extended westward of the Penobscot, although they claimed to the Kennebec.

In the year 1605, two celebrated navigators were upon the coast of New England. One was Samuel Champlain, a Frenchman, the other, George Weymouth, an Englishman. The former accompanied De Monts, who left France the year previous and passed the winter upon the island near the mouth of the St. Croix River, which has been known by the several names of Neutral Island, Dosquet's Island, Big Island and De Mont's Island, but left it in the summer and sailed along the coast

westward, as far as Cape Cod. In this voyage he explored Penobscot Bay. Weymouth left England with a view to the discovery of a north-west passage, and reached the island of Monhegan May 17, 1605. From this point he explored a river, by the middle of the succeeding June, which is supposed by some to be the Penobscot, by others the Georges, and by others still, the Kennebec.

That part of the territory which was occupied by the French, between the Penobscot and the St. Croix, is not remarkable for fertility, and its increase in population has not been so rapid as that in the more westerly portion of the State; but its people are vigorous and intelligent, and destined to put all its resources to use.

The indentations in the coast of this region are remarkable. Beautiful and capacious bays and harbors quickly succeed each other from Penobscot Bay to Passamaquoddy. The ever restless waters have conveyed away the drift of a former age, and rage, apparently, in vain against the granite walls of the shores. From these, far inland, prodigious boulders are scattered over the face of much of the country. Mountains of rock, too, are frequently to be seen. With such a surface, agriculture cannot be supposed to be in a prosperous condition. But some people strive to live in spots where nature has seemed to invite an appeal to the soil, though the chief resources of the country are lumber and fish. Ship building is much resorted to, but the principal wealth of the region has been either hewn out of the woods or fished out of the sea.

The people are full of loyalty to the republic, and hardy and enterprising. The war of the Rebellion found no braver or more enduring soldiers or sailors than swarmed from this hard-featured country; no men of sterner determination, or more open hands according to their possessions.

For the lover of natural beauty, there is much in this region to admire. The Trosach region of Maine may be said to lie on the boundary between Hancock and Penobscot Counties. The mountains are not so lofty, nor the lakes so extensive as those in the Trosach region of Scotland, but there is very beautiful scenery among them, as artists will inform the world by and by.

At Castine, formerly Pentagoët, the ocean and island scenery is exquisite. Mt. Desert, which is now a summer resort of note, is becoming familiar through the pencil of the painter. Sullivan and Gouldsboro will not remain many years unknown to fame, nor the gems of Penobscot and Passamaquoddy.

It is said that the old Spanish and Portuguese sailors applied the name of Norambega to all or a part of this region. The navigator, Verarrani, gave it to the whole coast from Cape Breton to Florida; but it was confined, at last, to the territory between Pemaquid and the St. Croix. The ancient cosmographer, Peter Heylin, thus describes it, with the countries contiguous:

“Canada containeth in it the several regions of: 1. *Nova Francia*, specially so called: 2. *Nova Scotia*; 3. *Norombegue*, and 4, the Isles adjoining. * * Norumbega hath on the north-east Nova Scotia, on the south-west Virginia. * * Nova Scotia containeth that part of the country of Canada or Nova Francia, that the French call Acadie or Cadie (being a peninsula or demy-island), with so much of the main land as lieth between the river Canada and the large bay called the Bay Françoise [Fundy], from the river of St. Croix upon the west to the Isle of Assumption on the east. * * Virginia, in the full latitude thereof, extendeth from the 34th degree, where it joins with Florida, unto the 44th, where it quartereth on Norumbega.” *

* Cosmographie, lib. iv, part II, ed. of 1652.

Sullivan, the first historian of Maine, who wrote in 1795, says:

"In Acadia there was another territory, east of the County of Newcastle, which was not comprehended in the duke's Province of New York. This was, perhaps, the ancient Norumbegua. It extended from Pemaquid to St. Croix, comprehending Mount Mansel or Mount Desert, and the territory of Penobscot." *

When Heylin wrote, the Atlantic coast of North America had been repeatedly explored; communication between Europe and America had become frequent; Plymouth and Massachusetts Bay were colonized; localities had been, to some extent, defined, and, with as much exactness as was in his power, he described the country. He was cotemporary with John Milton, and perhaps furnished him with the hint for the oft-quoted lines beginning with:

"Now from the north
Of Norumbegua, and the Samoed shore,
Bursting their brazen dungeon, armed with ice
And snow," &c.

The first settlement in Norambega was before that of Jamestown, or Popham, or Plymouth. It was made upon the island before mentioned, near the head of Passamaquoddy Bay. In 1604, the chevalier De Monts established himself upon this island, then about a half a league in circuit, but since reduced by the action of the waves to a very small islet. Upon the north side he built a fort. He built a chapel, also, and lodgings, workshops, store-houses, barracks and a magazine, besides a spacious house for himself. Here, with his company of papist and Huguenot priests, soldiers, artisans and laborers, he passed the winter in constant dread of an attack from savages who

*Sul. Hist. Maine, 293.

had never seen a matchlock or smelt gunpowder in their lives. But he found the climate more formidable than the savages. Forts and cannon and gunpowder afforded no protection against that. His love of adventure received a severe shock from one winter of fort and snow and scurvy. Of his company of seventy-nine persons, only forty remained alive in the spring. In the summer (of 1605) he left the island, not to return to remain, and sailed along the coast of Maine, touching at Pematig, Pentagoët, Pemquit, and thence to Malabar (Cape Cod), then back to Port Royal, then to France. His colony was transferred to Port Royal, and he never again made an attempt to colonize any part of Norumbega. His friend, M. de Poutrincourt, to whom he made over Port Royal, being captivated by the beauty of the country, attempted to continue the colony there, but the obstacles against which he had to contend converted the romance of that pioneer life into too serious reality.

Loyola had, a few years before, instituted the society of Jesus, and his followers were zealous in carrying out the projects of the order. Every nation and tribe upon the earth were to be brought under its dominion. Every opportunity, therefore, was taken advantage of to establish its missions wherever there were human beings to convert and there was water to baptize with. The intelligence they received in regard to the heathenism of the American savages prompted them to make wonderful sacrifices in order to bring them under the saving influences of the church of Rome.

In 1607, Henry IV had confirmed the transfer of De Mont's right to Port Royal to Poutrincourt, who was then in France, and while that gentleman was making his arrangements in behalf of his colony, an order came to him from the King to make preparation for a mission of the Jesuits there.

Notwithstanding the King had once expelled these religionists

from his kingdom, yet they had succeeded, not only in returning, but also in obtaining an influence with that monarch. On learning the design of Poutrincourt to found a colony, the zealous Professor, Father Pierre Biard, conceived the scheme of planting a mission at Port Royal. On receiving the order from the King, Poutrincourt's ardor abated, and under one pretext or another he delayed his departure until 1610. He then sailed without the missionaries, and concluded, finally, that he would leave the colony in charge of his son, young Biancourt.

This individual was only nineteen years of age at this time. Having been sent to France for supplies, he found the ship containing them in the hands of two Huguenot merchants, as security for advances. Fathers Biard and Enemond Massé, who had been waiting a long time, were elated by the supposition that Poutrincourt had made arrangements for their taking passage with his son, but were again disappointed by the refusal of the Huguenots to permit any Jesuit to embark in the vessel. The King had been assassinated, but Marie de Medicis ordered the Governor of Dieppe to remove the obstacle to their embarkation. He could not. Whereupon, Antoinette de Pons, wife of the Governor of Paris, Marchioness de Guercheville, a religious lady of influence, procured funds from the lords of the court, paid the claims of the Huguenots, and sent the ship on her voyage, with Biancourt and the Jesuits. They arrived at Port Royal June 22, 1611, and within a month afterward Poutrincourt sailed for France never to return.

The missionaries attempted to interfere with the affairs of Port Royal, but Biancourt, who was a high-spirited young man, with little affection or reverence for them, would not permit their intermeddling. This led to ill-feeling and a separation. Gilbert du Thet, a lay-brother, who had afterwards come to

Port Royal, returned to France and made a report of the dissensions between the Governor and the missionaries.

The Marchioness de Guercheville had procured from De Monts a transfer of his charter to her, and became proprietor of all Acadia, excepting Port Royal. It was in her power, and she resolved, to establish a mission in another quarter where there would be no danger of Biancourt opposing the work of the missionaries.

Enlisting Marie de Medicis and other high personages in her enterprise, after frequent disappointments, she procured a ship of a hundred tons burthen in which to send out her colonists, consisting of priests, artisans and laborers. Having fitted out the vessel with supplies of every description necessary for such an undertaking, she placed all under the charge of Sieur La Saussaye, a gentleman whom she had selected for Governor of the colony, and sent them with a view of establishing a mission within the limits of her proprietorship. The place fixed upon was Kadesquit—supposed to be Kenduskeag, the site of Bangor.

Forty-eight persons constituted the company. Charles Flory de Hableville was master of the ship. Two Jesuits, Father Quentin, a priest, and du Thet, were on board. The ship sailed from Honfleur March 12, 1613, making first for Port Royal, which it reached on the twenty-second of June. The company refreshed themselves there for five days, then, taking with them Fathers Biard and Massé, they set sail for the place of their destination. When off the island of Menano [Grand Menan], one of the dense fogs for which the Bay of Fundy is remarkable shut down upon the voyagers, and for two days and nights the ship was drifting upon that uncertain sea. Their dismal forebodings during that time, the old historians left their readers to imagine. People of our day, who are acquainted with the treacherous currents of those waters, can well understand what

must have been their suspense. The prayers of the Jesuits must have been fervent and sincere. On the second night the stars appeared, and on the morning of the third day the desert mountains of Pematiq lay before them.

In a harbor on the easterly side of the island, which during the past two centuries has borne the name of Mt. Desert, the ship came to an anchor. In consideration of their providential deliverance from the perils of the voyage, they gave it the name of St. Savior. The exact place of their landing is unknown, but probably it was in the neighborhood of Bar Harbor.

It was the intention of the pilgrims to remain only a short time at this place. Father Biard had an interview with the natives for the purpose of obtaining information in regard to the route to Kadesquit. The savages had met Biard two years before at Pentagoët, and now urged him to settle in their island, which they said was "quite as good a place as Kadesquit"; that it was so healthy that it was the resort of invalids, who regained their health there. Biard knew that these people "were not more deficient than other people in putting a high value on their possessions," therefore he was not moved by this argument. They then urged him to visit their chief, appealing to his humanity and his religious sentiments. "It is important," they said, "that you should come, inasmuch as Asticou, our Sagamore, is sick unto death, and if you do not come he will die without baptism, and will not go to Heaven; you will be the cause. On his part, he wishes to be baptized." Overcome by this appeal, on learning that it was only three leagues to the abode of the chief, he consented to go; and with Sieur de la Motte, and Simon, the interpreter, was taken thither in one of their canoes.

The wily savages, by this device, accomplished what they desired, which was to have the priest view the place where they

wished him to settle, believing that he would be tempted by its attractiveness. He found the chief sick with a cold, but not unto death, and he had abundant time to examine the locality "so praised as better than Kadesquit for a French settlement," and was so struck with its desirableness as a place for the mission, that he persuaded the chief men of the expedition to examine it. They did so, and all agreed to "stop there and seek no further."

Father Biard describes the place as "a pretty colline, elevated slightly above the sea, and bathed on its sides by two springs." From twenty to twenty-five acres of it were cleared of trees and bushes. Its aspect was toward the south and east. The port and haven were unsurpassed. The haven was "as safe as a pond, for besides being separated from the large island of Mount Desert, it is also separated from certain small islets which break the winds and the waves and fortify the entrance. There is no fleet for which it would not be sufficient, nor vessel which could not approach the land to unload within a cable's length." *

This is a very close description of a tract of land at the westerly entrance of Somes's Sound, called Fernald's Point. No other upon the island answers to it. The tract consists of from twenty to twenty-five acres between the hill and the sea. The two springs are at its sides. The haven is as described by Biard, and is protected and fortified by the Cranberry Isles. The late Hon. Elijah L. Hamlin, a member of the Maine Historical Society, directed attention to this spot, which, from personal exploration, he was satisfied was that fixed upon by the missionaries for the colony.

The ship, with its tender, was moored at this place, and the supplies were landed. Then there came up a controversy be-

* Relations of the Jesuits, chap. 24.

twixt the Governor and the missionaries as to what should be their first proceedings. La Saussaye would provide against want; the Jesuits against attack. The former would plant seed; the latter fortifications. It was the time of planting, and the Governor thought that it should be taken advantage of; the priests would have the laborers upon the erections. These differences led to others, and little was accomplished. Neither party prevailed, and they were unexpectedly interrupted in the midst of their dissensions.

It was a practice of the Virginia colonists to send every year a fleet into the waters of Pemaquid for fish. This year the fleet was under the convoy of Samuel Argal, in a ship carrying sixty men and fourteen guns. This Argal was a relative of Sir Thomas Smith. He was enterprising and unscrupulous. He came from England to Virginia to engage in sturgeon fishing, which was an illicit business; but he contrived, by means of some choice wines he had brought with him, to stop the mouths of the people, and was permitted to catch sturgeon without interruption, until he became an influential man in the colony.

On this expedition he was intrusted with other business besides protecting the fishermen. Sir Thomas Dale, then Governor of Virginia, directed him to expel any French and Dutch people he might find trading within his jurisdiction, considering Acadia to belong to it.

While cruising in the Gulf of Maine, some natives came on board his vessel, in a fog, and very innocently told him that some of his Norman countrymen were establishing themselves at Pematig. Whereupon, he took one of the savages for a pilot and made his way into the "safe" harbor of the missionaries, who were no less astonished by his appearance than was the pilot to find that he had unwittingly brought an enemy amongst his friends.

Argal acted promptly. He gave the French no time to prepare for defense, but at once attacked them. The Jesuit thus tells the story :

“Now we, beholding the vessel coming under full sail from a distance, did not know what to think, whether they were friends or enemies, Frenchmen or foreigners, for this reason—the pilot went in advance in a long boat, to reconnoitre, while the others armed themselves. La Saussaye remained on shore, and retained there most of his men. La Motte, Lieutenant, Bonfere, ensign, and Joubert, sergeant, all the most resolute, went to the vessel. Thus it was, then, that one could recognize men of value.

“The English vessel came more rapidly than an arrow, having a good wind—all the soldiers clothed in scarlet, the English colors flying, and three drums and three trumpets making a furious noise. Our pilot, who had gone to make discoveries, did not return with the vessel, because, he said, the English were to windward of him, and, consequently, in order not to fall into their hands, he made the circuit of an island. On this occasion, therefore, our vessel was destitute of half its crew, and for the defense there were only ten in all, and not any of them knew anything about sea fights, except Capt. Flory, who was not wanting in ability and courage, but he had neither sufficient time to prepare himself, nor sufficient men ; on account of which he was not able to weigh anchor, the sails being used for another purpose. As it was summer, and as we remained in this harbor without fear, we had extended the sails in the form of a bower, from the poop to the windlass, in order to have a shade upon the deck, and there was not sufficient time to bend them. But this misfortune was lucky for us, as our men remained very well concealed during the combat, in such manner that the English not being able to pick out any one during their volleys, less of our men were killed and wounded.

“At the approach, as it is the custom to call and ask who one is, our people cried out, according to the custom of mariners, ‘O!

O !' But the English did not respond in this tone, but in another more furious, with heavy discharges of muskets and cannon. They had fourteen pieces of artillery and sixty musketeers connected with the ship, who came to the charge upon the sides, upon the bowsprit, upon the poop and wherever it was necessary, like a line of soldiers and in order, as well as foot soldiers do upon the land.

"The first volley from the English side was terrible; the whole vessel was in fire and smoke. From our side we responded coldly, and the artillery was silent. Captain Flory cried loudly :

"Fire the cannon ! Let it go !'

"But the gunner was not there. Now Gilbert du Thet, who was never faint-hearted in his life, nor a coward, hearing this cry and seeing no one obey, took the match and caused our cannon to speak as loud as the enemy's. The misfortune was that he did not take aim, and if he had done so there would have been, perhaps, something more than noise.

"The English, after this first volley, laid their vessel alongside and kept an anchor ready to hook the bits of our cable, which stopped the enemy and caused him to cut off from our side, for he feared in pursuing us to be drawn into shoal water; then, becoming re-assured, he again commanded to approach us with a volley of musquetry as before. It seems, in this second attack, that Father du Thet received a musket ball through the body and fell upon the deck. Captain Flory was also wounded in the foot, and three others elsewhere, which caused us to give the signal and to cry that we would surrender, as certainly the match was not equal. At this cry, the English jumped into our boat in order to come to our vessel; our men also, from an unlucky resolution, threw themselves into their own to make for the shore, for they feared the arrival of the victors. The conqueror was on board our vessel before they had gone far, and prayed and called to them to return, and, to constrain them, fired upon them. Being frightened, two of our men cast themselves into the water, by my advice, to gain the shore, but they were drowned. Either they were wounded, or, what is

more probable, they were struck and killed in the water. These were two young men of good expectations, one from Dieppe, called Le Moine; the other named Neveu, of the city of Beauvais. Their bodies were not found until nine days afterward. They were taken and religiously interred. Such was the capture of our vessel."

After Argal landed, he charged La Saussaye with being a trespasser, and justified his attack upon that ground. La Saussaye denied that he was a trespasser, and claimed to be acting under commissions from the French Crown. Whereupon Argal demanded that the commissions be produced, saying that if it was as he represented, he would not be instrumental in breaking the friendship between France and England.

But the wily Englishman had anticipated the justification of La Saussaye, and surreptitiously obtained possession of the commissions—having them at the moment of making his accusation, as he afterwards acknowledged to the Governor of Virginia, in order to save the lives of Biard and other prisoners, whom the Governor was about to hang as pirates, and for whose safety Argal had pledged his honor.

As La Saussaye could not produce his authority, he was denounced as a pirate by Argal, who gave his men full liberty to pillage the French ship and camp. They were not long in making away with the gifts of the French Queen and Marquise. Argal was severe with his prisoners. He caused two to be flogged, and at length reduced all to subordination. Some he took with him to Jamestown, and some were permitted to return to France. Among the latter were La Saussaye and Father Massé. Biard and Quentin went to Jamestown.

After Argal reached Jamestown and gave an account of his proceedings, the Governor sent him north again, with orders to destroy all the settlements of the French and other interlopers

Taking with him Biard and Quentin, he proceeded to Mount Desert and completed his work of destruction there. He then went to St. Croix, and demolished the buildings that remained on De Mont's Island. From there he sailed to Port Royal, which he pillaged and burnt; and Father Biard expressed the hope, that it might please the Lord "that the sins therein committed might likewise have been consumed in that conflagration."

We have no account of any attempt to settle any part of the territory designated as Norumbega, except that of De Mont's, prior to 1613. And there was hardly any occupation of the territory during the seventeenth century, except at Pentagoët, (Castine), Mount Desert, Megeis (Machias) and Passamaquoddy. In 1686. the population of those places was but sixteen, excluding domestics.*

At Pentagoët was the fort first erected by M. D'Aulney de Charnisay, occupied by Baron St. Castin and his servants. At Megays were Martel, Dubreuil and some servants.†

A place called "Donaquek, near Mageis, of two leagues in front on the sea, and two leagues deep inland, the island of Monts Deserts, and other isles, &c., in front," was granted to Sieur Antoine de la Mothe Cadillac, in 1689.‡ "The river which equally divided the depth of the tract was not included," whatever that may mean.

There were a few French people at Passamaquoddy. Col. Church, in his fifth expedition east, in 1704, found some there, but gives no account of any settlement.§

Norumbega does not appear to have been much used as an

* Murdoch's Nova Scotia, I, 168.

† Ib. 171.

‡ Ib. 181.

§ French and Indian Wars, 262, *et seq.*

appellation of the country after the French and English occupancy of the region bordering on the river, the French calling it Pentagoët, and the English Penobscot, and both peoples designating the whole territory east—Nova Scotia included—Acadia.

How the name Norumbega came to be applied to the country at all is not known. No traditions of the Indians respecting it are preserved; still, Verrazano, who applied it to the whole coast from Florida to Cape Breton, must have obtained it from the natives.

The author of the "Universal History of the West Indies," published in 1607, alleges that "Norumbega is known well enough by reason of a fair town and a great river, though it is not known from whence it has its name, for the Barbarians do call it Agguncia." Sullivan says of the inhabitants, that they were supposed to be "an ancient people who lived on the river Penobscott, then called Pentegovett, near to which was believed a great city called Norumbegua once stood." Ogilby said that this city was nothing but a collection of wigwams, and called Arambeck. From Indian lips, it would not be difficult to confound Arembeck with Norumbega. Heylin says, "Most have agreed on Norumbegua, or Arempic, as the natives call it." An aged Indian of the Penobscots, in 1864, stated that in the old times there was a village of that name "back of Bucksport." "n'Arambeck'r" was very good "Norumbega" in his mouth.

The late Dr. Ballard, who had given some attention to the language of the Penobscot Indians, in a note to the writer said :

"*Nar* or *nor*, I suppose, was *nora*—still, quiet—*om* or *am* from *wompi*—white, clear; *be* from *nebe*—water in general, as of a lake; Latin *aqua*; *ga*, termination denoting locality, *Nor-omp-be-ga*; and its meaning would be *still-water-place*. When the word *nar* is used it is connected with the water below falls, as in Norridge-wock and Narraganset."

Father Vetromile, in his little work entitled "The Abenakis," gives the orthography as "Nolumbega," and says it "means a *still-water* between falls, of which there are several," in the river Penobscot.*

Much may be found in relation to Norumbega in the first volume of the second series of the Maine Historical Collections. The first account of it appears to have been written by Pierre Crignon, and is in Ramusio, under the title "Discourse of a great French Sea Captain of Dieppe." This captain was Jean Parmentier, who made a voyage to Sumatra and other countries, in 1529, five years after Verazzano's voyage. Crignon was a companion of Parmentier, and, it is supposed, wrote the account in 1539, though it was not printed until 1556. He thus describes the country first known as Norumbega :

"About the land of Nurumbega. Following on beyond Cape Breton is seen land contiguous to that cape, the coast of which trends south south-westwardly, to the land called Florida, and for 500 leagues, which was land discovered fifteen years ago by M. Giovanni da Verrazano in the name of the French King, and of Madame, the Regent, and even by the Portuguese themselves, and its extreme toward Florida is in 78° long. W. and 30° lat. N. The inhabitants of this country are docile people, friendly and good-tempered. The land is most abounding in every kind of fruit ; there grow the orange and the almond, truly wholesome, and many various sorts of oderiferous trees. The country is called by its people Nurumbega, and, between this land and that of Brazil, is a Great Gulf, which extends westward to 92° long. W., which is more than a fourth of the circuit of the earth, and in that Gulf are the Islands of the West Indies, discovered by the Spaniards. From the diametric line, at the upper end, this Gulf contains nearly 1,700 leagues, in continuous line around."

*The Abenakis, 48.

ARTICLE VIII.

MEMOIRS

AND

BIOGRAPHICAL SKETCHES.

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MEMOIR OF
HON. REUEL WILLIAMS.

BY JOHN A. POOR, ESQ.

READ AT A SPECIAL MEETING OF THE SOCIETY AT AUGUSTA,
FEBRUARY, 1863.

Plutarch, in his Life of Solon, relates that after that great law-giver had completed his labors and established a code of laws for Athens, he resigned all his trusts, and for ten years employed himself in foreign travel, in order the more impartially to observe the workings of the laws he had framed, in the hands of others, entirely uninfluenced by any participation of his own in the administration of the government. In these travels he visited Croesus, the renowned king of Lydia, whose fabled wealth has made his name familiar to modern times, who received Solon with all the respect due to one so distinguished for wisdom and virtue, showed him the extent of his riches and the countless means of enjoyment thereby furnished, and then asked him who he thought was the most fortunate man he had ever known. "One Tellus, a fellow-citizen of mine," promptly replied Solon, "who had been an honest man, had had good children, a competent estate, and died bravely in battle for his country." Piqued

at the gravity of Solon's manner, as also by his pungent sarcasm, Croesus in another form renewed the inquiry, gravely intimating that a man's power of present enjoyment was certainly a proof of the favor of the gods. "The numerous misfortunes that attend all conditions," said Solon, "forbid us to grow insolent upon present enjoyments, or to admire any man's happiness that may yet, in the course of time, suffer change. He only to whom Divinity has continued happiness unto the end, we call happy."

Philosophers and moralists have, in every age, speculated on the problem of human felicity, and in almost every form of language, put forth diverse theories as to the true measure of happiness or good fortune among men. But it is difficult to find, in sacred or profane writings, a more full and satisfactory definition of good fortune, of what constitutes the greatest good in life, or the true end and aim of earthly existence, than that given to us by the great Athenian teacher and law-giver. For to be truly an honest man, requires the exercise of the highest intellectual and moral qualities; to have good children, has in every age been held to be the fruition of earthly good; to acquire or possess a competent estate, places a man above the necessity of those practices that tend to diminish self-respect; and to die in the public service has always been the great end of earthly ambition. To die in battle, awakens that quick sympathy of the multitude which assuages the grief of friends, and inspires courage in one summoned to the other world from this field of duty. To be wise to the last, to fulfil every private duty, and be allowed to labor to the end of life for the public welfare, which Solon regarded as the truest good, is the rarest of earthly opportunities. To be a public benefactor, and to escape the common infirmities of humanity, till the measure of life is filled to fourscore, without any diminution of zeal in the

public welfare, is as satisfactory proof of virtue, as, in the flush of youth and health, to fall bravely in battle.

At the departure from earth of one eminent in any of the walks of life, the upright among those who knew him instinctively review his life and history, in the exercise of unprejudiced judgment, and assign to him his proper place in the list of the illustrious dead, regardless of the popular prejudices of the hour. The accidents of fortune, the distinctions of official station are soon forgotten, and a man's character stands forth in its true light before the world. Partisan prejudice, religious intolerance, the selfishness of unworthy minds, may for a while prevent an impartial award, but in the end, every man will find his true place in the world's regard. While most fall into forgetfulness, and a few are held up as examples of warning to survivors, the true benefactors of their race are finally enrolled in the catalogue of the wise and the good.

One year ago, our Society listened with enchained attention to the memoir of one of its original members, whose life of usefulness had led him on to that venerable age that left no companion or contemporary behind him; who seemed to glide with such quiet grace among his fellow-men of a later generation, as to seem like one from the spirit land. That charming memoir of John Merrick, from the classic pen of the Rev. Dr. Goodwin, published for this Society, is eagerly sought for by scholars and men of taste, as a fortunate and choice contribution to American biographical literature.

A duty equally grateful, but far more difficult, is imposed on one of its members to-day, in speaking of another of its original founders, whose life, long drawn out, was not so extended as to lose its influence or hold on the men of his own time—whose eminent ability, elevated character, social virtues, and distinguished public services, won for him the respect of his associate

members, and of the community in which he lived—and who, always a leader among men, fell, finally, at his post, in the front rank, on the busy battle-field of life, leaving the legacy of a wide public reputation to his country, and the richer treasure of a good name to distinguished inheritors of his fame and fortune.

Reuel Williams, the second of twelve children of Captain Seth Williams and Zilpha Ingraham, was born on the second day of June, 1783, within the limits of that part of the ancient town of Hallowell, which is now the city of Augusta. He enjoyed the rare distinction of living, and dying, at a ripe old age, in the place of his birth. His father, said to have been of Welsh origin, born December 13, 1756, was a man of character and consequence among his fellow-men; by occupation, both a farmer and a tanner. He emigrated from Stoughton, Massachusetts, in 1779, and married Zilpha Ingraham, born April 16, 1761, the daughter of Benaiah and Abigail Ingraham, who were among the early settlers of Augusta. Captain Seth Williams died March 18, 1817, at the age of sixty-one years, enjoying to the end of his life the respect of his fellow-townsmen, having filled many offices of public trust. His independent spirit and upright conduct imparted their influence to his children and others around him.

But, like most men of strikingly marked qualities, Reuel Williams derived the peculiarities of his mind and character mainly from his mother. Self-reliant, shrewd, firm, energetic, and conscientious, she had unbounded affection and every motherly virtue; and was, to the end of her life, an example of every Christian grace. She died at Augusta, September 20, 1845, in the eighty-fourth year of her age. One capable of appreciating her high qualities of mind and heart, with abundant means of judging, described her, many years ago, as illustrating

every Christian virtue and every social excellence that can dignify and adorn the family circle. She merited and received the affection and respect of all who knew her, and her example and teachings bore fruit in the lives of her children.

Reuel had only the meagre advantages then afforded by the common schools of his native town till the age of twelve, when he commenced his attendance upon Hallowell Academy, boarding at home in Augusta, and walking two miles, daily, each way, to and from the school. Here he acquired a classical education, equal to the fitting of one for college, before he was fifteen years of age. On returning from the Academy in the evening, he usually went into his father's shop, and worked at the shoemaker's bench,—for his father carried on the business of a tanner and a shoemaker,—and Reuel often finished a shoe before retiring for the night. Yet he was so prompt in his attendance at the Academy every morning that Judge Robbins, of Hallowell, used to say, "I must send my sons to Augusta to board, so that they may get seasonably to school." For a short time after he reached the age of fifteen, Reuel took the place of toll-gatherer for the Augusta Bridge, which was completed in 1798, and in this way aided his father in the support of his large family, while his leisure time was carefully husbanded in study. At this period he gained the attention and acquaintance of Judge James Bridge, a gentleman distinguished for many noble qualities of character, and at that time a most prominent lawyer of the Kennebec Bar. By invitation of Mr. Bridge, young Williams entered his office as a student at law, June 25, 1798, when only fifteen years old.

Faithful and industrious, he earned his support, while a student, by writing, and accumulated in this way more than one thousand dollars before he was nineteen years of age. Judge Bridge then gave him an interest in the profits of his law busi-

ness, though he was too young to be admitted to the Bar. He invested his student-life earnings in real estate, on the east side of the river, just above the bridge, most of which, with improvements on it, he owned at the time of his death.

From the age of nineteen to twenty-one, he busily pursued his professional labors with Judge Bridge, and on reaching his majority, in 1804, was admitted to the Bar,—an event to which he had looked forward with all the pride and hope of youthful ambition.

At this time two fellow-students invited him to join them in their proposed expedition to Cincinnati, for the practice of the law. The rising fame of this new city had already begun to attract the attention of the enterprising young men of the Eastern States. Mr. Williams held this matter carefully under advisement, but finally declined the proposal, and deliberately set himself down for life in the town of his birth ;—a decision that forms a striking exception in the history of the public men of this country.*

It was fortunate for the city of Augusta, that Mr. Williams determined to remain ; for to him, mainly, is the city indebted for its political and commercial importance. In his early days,

* In his latter days, Mr. Williams was fond of making inquiries as to the history of Cincinnati, and as to the particular causes of the extraordinary growth of the Queen City of the West. He was of the same age as Nicholas Longworth, now the wealthiest citizen of the great West, who, a lawyer by profession, has shown an enlightened judgment worthy of his great success, and to whom, more than any one else, Cincinnati owes that success in the strawberry and grape culture which are among the attractions of that great city, now so renowned for the wealth, refinement and public spirit of its citizens. Had Mr. Williams established himself at Cincinnati at the age of twenty-one, and experienced the same good fortune which attended him at home, his wealth would have been equal to that of Astor.

NOTE.—*Mr. Longworth died February 10, 1863, since the above was written, with a fortune estimated, by himself in 1859, at twelve millions of dollars.*

Hallowell was the chief town of the Kennebec; but aided by his exertions, Augusta, without any peculiar natural advantage, became the exclusive seat of justice of the County, and finally the State Capital, where the legislative sessions have been held since 1832. In the train of these events came the location of the Kennebec Arsenal, on which the United States Government have expended, to June 30, 1860, \$265,846.91; the establishment of the Insane Hospital; and the vast influence and power which its central position, and this centralization of talent and capital, have given to Augusta;—a city of less population and wealth than some others in the State, yet superior, in the ability of its press, and the sagacious foresight of its public men,—in many respects the leading place in the State, and second in all these particulars to no capital city of the country, of similar relations.

From the time of Mr. Williams's admission to the Bar in 1804, he became identified with Augusta, and his life forms a part of its history. No work of public importance, and no enterprise affecting the Kennebec Valley, was carried forward without his direct participation in it, from that time till his death, extending over a period of nearly sixty years. His business life comprised a period of more than sixty years, dating from the time he became partner with Judge Bridge.

Judge Bridge had for years been the agent of the proprietors of the Kennebec Purchase, an association of gentlemen of wealth, who bought of the grantees of the Plymouth Company the tract granted January 13, 1629, to William Bradford, by the Council of New England, extending from the Cobbossee Contee to Nequamkike (Hazard Coll., Vol. 1, p. 298). It was farmed out by the Plymouth Company for many years, and quite fully peopled in 1650 and 1651, when Father Dreuillets came to Cushnoc on his fruitless mission of peace to the New England

Colonists. On the twenty-seventh of October, 1661, the Plymouth Company conveyed their interests to one Thomas Winslow, through whom the title came to the proprietors of the Kennebec Purchase.

The agency of this Company was itself a large business, in the investigation of titles to real estate, in sales to be made, and proceeds to be collected. The numerous decisions in the Massachusetts and Maine Reports show the great variety of difficult and novel law questions affecting titles to real property, growing out of this business, to which the attention of Mr. Williams was directed.

"In 1807, when but twenty-four years of age," according to the statement of one familiar with his life, "Mr. Williams was brought to the notice of prominent men in Massachusetts, while engaged with Nathan Dane, in Boston, for the Plymouth proprietors, before the Commissioners of Eastern Lands. His engagement occupied him six consecutive weeks; and, although he was junior counsel, he was highly complimented by the Commissioners on his thorough and profound legal knowledge, and the clearness and ability with which he presented and managed his case."

On the nineteenth of November, 1807, Mr. Williams married Miss Sarah Lowell Cony, daughter of the late Hon. Daniel Cony, of Augusta, a man distinguished in his day for his public spirit, manly virtues, and great activity in promoting the separation of Maine from Massachusetts. Mrs. Williams still survives him. Their golden wedding was celebrated more than four years before his death, with that quiet grace and dignity that always held sway in their happy home, where children and grandchildren joined in pleasant festivities in the venerable mansion, which had so long been the abode of domestic joy and undiminished affection.

Of their nine children, one son and eight daughters, five still survive. The proprieties of this occasion forbid us from entering the domestic circle, or anticipating any future eulogium.

In 1811, we first find Mr. Williams's name in the Massachusetts Reports, as counsel in a law question, in opposition to Judge Wilde, then one of the leading lawyers of the Kennebec Bar, and subsequently, for many years a Judge of the Supreme Judicial Court of Massachusetts. From 1811 onward, for nearly thirty years, until he relinquished practice, on taking his seat in the Senate of the United States, Mr. Williams's name constantly occurs in the Reports, both Massachusetts and Maine, in important law cases.

In 1812, Judge Bridge, having accumulated an abundant fortune, retired from practice, leaving Mr. Williams in full receipt of the emoluments of their large business. Up to this time, the arguing of law questions had been chiefly performed by Judge Bridge,—while the office duties and labors devolved mainly on Mr. Williams, who was compelled to throw his whole strength into the work, in order to perform the routine of daily business. His studies, therefore, necessarily ran to particular questions and pending cases rather than to elementary works, and his learning as a lawyer was more the result of a large practice, calling for the investigation of points of law bearing on his own cases, than any arranged plan of study. He was not, therefore, a man of extensive law reading, beyond the investigation and preparation for argument of cases in court. This course of study gives great sharpness and clearness of legal vision. He always argued closely and logically without the forms of logic. His power of analysis and of methodical arrangement was remarkable, and contributed greatly to his eminent success.

In addition to his large practice growing out of the agency of

the Kennebec Purchase, he had the charge of the Bowdoin Lands, a very large and valuable property, which he managed with admirable skill. He also had a large miscellaneous practice in which the faithful discharge of his duties was ever conspicuous. His addresses to the jury, as well as to the court, were free from any attempt at rhetorical display, but remarkable for power of condensation, concentration, and directness of argument, and, though usually brief, were effective and convincing. He was so intensely occupied in his professional labors for many years, without time for study outside them, that he was more a man of business than a man of books. But his reputation as a lawyer became widely known, and in 1815, when but thirty-two years of age, he was honored by Harvard College with the degree of Master of Arts. In 1855, the honorary degree of Doctor of Laws was conferred on him by Bowdoin College.

In 1816, in conjunction with Judge Bridge and Thomas L. Winthrop, of Boston, Mr. Williams became the purchaser of the lands, property, and remaining interests of the Kennebec Proprietors. This proved a very profitable investment, so rapid at that time was the settlement of the country. All the papers of the Proprietors, of very great historic value, came into his possession, and since his death, in pursuance of his wishes, have been placed in the archives of the Maine Historical Society for safe keeping and use.

In 1818, Mr. Williams was one of the corporators named in the charter of "The Lincoln and Kennebec Society for the Removal of Obstructions in the Kennebec River," approved February 19, 1818, and it is in and by the Act made his duties to call its first meeting,—showing him to have been the active promoter of its objects. This matter of improving the navigation of the Kennebec was always an object of his thoughts,

before and while a member of the United States Senate. Appropriations to the amount of \$21,100 have been expended by the United States Government for removing obstructions in Kennebec River, at Lovejoy's Narrows; \$1,500 for a monument at Stage Island; and \$5,750 for monuments in the Kennebec River. The sum of \$45,288.56 has been expended in the construction of Seguin Light, in which is a first-class Fresnel Lens, and \$6,236 on Pond Island Light, at the mouth of the Kennebec.

The separation of Maine from Massachusetts was a question in which, as is well known, Mr. Williams took an active part, giving it his earnest and effective support. In 1822, he became a member of the Legislature of Maine, and continued so for seven successive years; a member of the House in 1822-3-4-5; and of the Senate in 1826-7-8; during which time he was the active and efficient leader in the movement to make Augusta the State Capital. He was also a member of the House in 1829 and 1832, and again in 1848. To him has always been awarded the credit of the removal of the seat of government from Portland. Of the wisdom of the measure itself it is not my province to speak. Many citizens of the State deemed the removal premature and uncalled for. But the prevalence of this feeling only enhances the credit due to his talent and industry, for its achievement, against such odds. He regarded the question of the location of the seat of government as one addressed to the common-sense and judgment of the Legislature, and labored for it with a zeal and pertinacity that finally overcame every obstacle.

In 1822, Mr. Williams was elected one of the Trustees of Bowdoin College, which office he retained for thirty-eight years. He was ever one of the most faithful and devoted friends of the Institution, and a constant attendant on the meetings of the Board till his resignation in 1860. He always looked with re-

gret on the effort to transform this ancient and honored Institution of learning, whose catholic spirit and liberal principles had secured for it so much popular favor and such valuable aid from the State, into a sectarian school, under the exclusive control of one religious sect.

In 1822, Mr. Williams was one of the *forty-nine* corporate members of the Maine Historical Society, named in the Act establishing it. He had little time to devote to historical studies or pursuits, but he was always a faithful and consistent member, favoring with his influence the liberal grant of aid from the State, and paying his annual tax in early days, when a tax on its members was the only means of keeping up the Society.

On the fifteenth of February, 1825, Mr. Williams was appointed one of the Commissioners of Maine to divide the Public Lands, held in common with Massachusetts, under the Act of Separation, a most arduous and delicate trust, which he discharged with his accustomed intelligence and fidelity.

On the twenty-sixth of January, 1829, an event occurred which deeply affected Mr. Williams, exerting no small influence over his subsequent life—the death of his daughter, Susan Curtis Williams, whose rare beauty, uncommon intelligence, devoted affection and religious turn of mind, had made her an object of unusual regard in their wide family circle. The death of this daughter struck deeply to the very fountain of feeling, and seemed to soften his very nature. At times, within the last year of his life, he seemed to enjoy the opportunity of speaking of this child, describing her as possessing a purity of nature and a religious principle higher than he had elsewhere witnessed. An intimate friend of this daughter, of the same age, between whom and herself one of those mutual attachments had sprung up which sometimes appear romantic, survived her many years; and for her Mr. Williams always exhibited and

expressed great kindness and regard. After her death, he followed with his good will the husband who survived her. He has been heard to speak of this exhibition of friendship of these young girls, as to him one of the most charming and delightful of his memories. This was the more remarkable in him, from his naturally reserved manner. He rarely spoke of himself, had few confidants, and gave out sparingly the expression of his feelings. His talent for silence, that rarest and most valuable of all mental endowments, was seldom equalled.

On the twenty-seventh of March, 1831, Mr. Williams was appointed Commissioner of Public Buildings, and superintended the completion of the Capitol, till it was fitted for the use of the State Government and the legislative sessions. This chaste and beautiful edifice is a monument to his taste and good judgment. It is so constructed that, if the public exigencies call for more ample accommodations, the hall of the House may be appropriately given up to the State Library, and better rooms for the Senate and the House provided, by extending wings in the rear, which are said to be called for by architectural rules, to give symmetry and proportion to the whole edifice. This statement is due to Mr. Williams's reputation, and to the professional experts under whose guidance it was originally planned.

On the tenth of May, 1832, Mr. Williams was appointed Commissioner of Maine, with Hon. W. P. Preble and Hon. Nicholas Emery, in reference to the Northeastern Boundary. In the discharge of this trust, he made his first acquaintance with President Jackson. Mr. Williams was originally a Federalist, and he naturally fell into the support of John Quincy Adams in the campaign of 1825, and voted for him in 1829. But on the election of General Jackson, he expressed his determination to support his administration as far as consistent with his own sense of right; and he became identified from

that time with the Democratic party down to the time of the repeal of the Missouri Compromise, during the administration of Franklin Pierce, which act he regarded as the commencement of troubles, and openly and unqualifiedly condemned, though an earnest supporter of Pierce's election.

In the discharge of the duties of this embarrassing Boundary Commission, Mr. Williams found in General Jackson those qualities of sincerity and frankness, that straightforward sense of justice, that won his confidence and his heart. When asked, during his last visit to Washington, to give his impressions of General Jackson, he invited the inquirer to walk to the President's Square and look at the statue of Jackson. "That statue," said he, pointing to Mills's equestrian statue, "gives you a better idea of Jackson than any portrait or any description you can find of him." In reply to the criticisms of a friend on Jackson's public conduct, he used to say Jackson was about the only person he ever knew who acted upon his own sense of right. Admitting his rude education, and that lack of self-control which can only be acquired by men of strong will in early life, he said, "he saw that Jackson's desire was to do right." In the negotiations, the Maine Commissioners, in 1832, spoke of public opinion on the subject of this treaty. "Public opinion! What is public opinion?" said Jackson. "Right is public opinion. I am public opinion when I do right."

Jackson was deeply anxious to effect, at that time, a settlement of this boundary dispute, but he could not fail to see the absurdity of the Dutch King's decision. But, said he, "what can I do? The award is not right, but what will come of the question if we reject it?" As this matter ever after occupied a large share of Mr. Williams's thoughts, and became the subject of his principal speeches in Congress, it is needful to state the question briefly, in detail, in order to show the manner in which

Mr. Williams presented it to Congress, and pressed the matter to a final settlement.

The history of the Northeastern Boundary Dispute goes back to the first occupation of the Continent by Europeans. France and England claimed the whole of Maine, starting together in 1602, in plans of colonization. Both granted it, with other territory, to their respective subjects, the French King, November 8, 1603, and the British monarch, April 10, 1606. The French settled at St. Croix in 1604, and the English at Sabino, August 19, O. S. 1607, from which time the Sagadahoc became the recognized boundary, though the English established trading-houses east of it. In Cromwell's time, he granted the country east of Sagadahoc to Sir Thomas Temple, and the country was peopled by the English. The French held the country east, under the name of Acadia, and the St. George River became practically the dividing line, after Sir Thomas Temple occupied east of Sagadahoc, as stated by Cardillac in his memoir of 1602. But in 1697, at the Peace of Ryswick, the St. Croix became the boundary between Acadia on the west, and New England on the east.

There was no recognized dividing line for the interior, between the French and English settlements. The French planting on the St. Lawrence, in 1608, pushed back but a short distance from the river, and the English settlements were mainly along the Atlantic shore. Between the St. Lawrence and Lake Champlain, and east of it to the Connecticut, the forty-fifth parallel of latitude became the dividing line. The conquest of Canada, in 1759, led to new colonial governments; and, in 1763, after the Definitive Treaty of Peace, the new District of Quebec was established, and the line—designed to embrace the territory acquired—followed the natural boundary, the ridge, or rain-shed, between the St. Lawrence and the Atlantic Ocean. The

whole country then belonged to England, and the most simple and natural boundary was established by her, between her ancient possession, New England, and the newly-acquired territory of New France.

In the War of the Revolution, New England fell into the new Government of the United States, while New France remained to England. In defining the line of boundary, the Treaty of Peace of 1783 followed the line established in 1763. Before the necessary work of running and marking this line was finished, war broke out between England and the United States, and the value, for military purposes, of a line of communication in the St. John Valley, between the Upper and Lower Provinces, was then made apparent. Thereupon, England seized upon this territory, and refused to further run or mark the line, as agreed. In the Treaty of Ghent, a provision for arbitration was unfortunately agreed to by our Government, and, after declining all other proposals, Great Britain had the Dutch King appointed umpire during the administration of John Quincy Adams. His decision was, that there was no ridge, or rain-shed, separating the waters flowing in different directions, and therefore *advised* that the bed of the St. John River be adopted for the boundary. Jackson thought best, if possible, to induce Maine to consent to this decision, by offering compensation. Subsequent results have proved the wisdom of his proposal, for no State, prior to the recent rebellion, had ever been able to accomplish anything in opposition to the power of the Federal Government.

The Maine Commissioners were made the medium of an offer by Gen. Jackson, but the rejection of this award by the Senate made their report valueless, and it remained unopened till the change of parties in Maine, in 1838, led to its publication. Mr. Williams saw this "*involved question*," as it was called, in its true and simple aspect, despite the accumulated mass of con-

fused diplomatic correspondence on the subject for so many years. He took this simple position: "It is a question of boundary; run and mark the line, following out the words of the Treaty." This view of the question determined his future course in the Senate, and his persistent adherence to that policy forced a final settlement of the question.

It has been the fashion of the newspapers to echo the statements of British diplomatists, that "the Treaty of 1783 left this question of boundary involved in obscurity," and some politicians of our own and other States readily fell into this notion, from indifference or an unwillingness to investigate the question itself. Any "obscurity" in the matter is much like that which an intelligent traveler would fall into, in crossing the Alps from France into Italy, in his efforts to discover a ridge on the way where Hannibal and Napoleon made attempts to solve the problem in the face of obstacles that made their exploits so famous. And we can hardly refrain from giving utterance to an expression of self-reproach, as we call to mind the timidity of our own State, in finally consenting to so monstrous a folly as the subsequent surrender of so invaluable a possession on such a pretext.

The award of the Dutch King having been rejected by the Senate, no call was then made on Maine for her assent, and no progress made in the adjustment of the question, till after Mr. Williams's election to the Senate of the United States.

On the twenty-second of February, 1837, Mr. Williams, then in the fifty-fourth year of his age, was elected, by the Legislature of Maine, to the Senate of the United States, for the term of two years, to fill the unexpired term of Hon. Ether Shepley, appointed one of the Justices of the Supreme Judicial Court of Maine. Mr. Williams's term commenced on the fourth of March, 1837. He took his seat in the Senate at the extra

session, on the fourth of September, 1837. He was placed on the Committees of Naval Affairs and of Roads and Canals.

His senatorial career gives him his chief claim to a national reputation. It was distinguished for its independence of party and its devotion to the interests of the whole country, not forgetting the claims of his own State. He entered Congress at the most gloomy period of our history since the war with England in 1812.

The exhaustion of individual and national resources, by the War of 1812, brought, with peace, political quiet at home, till in 1820 the slavery agitation, growing out of the admission of Missouri into the Union, gave to the thoughtful men of that time the first intimation of our present troubles, and this feeling kept alive a spirit of alarm. The war with England had stimulated party animosity throughout the country, and, under the influence of that feeling, able, ambitious men came into Congress, unschooled in the principles of the Revolutionary period. After the Peace of 1815, a new direction was to be given to public affairs. The lack of foreign topics to engross our public men, as heretofore, naturally directed their thoughts toward the Presidency, making the gratification of personal ambition the chief object of statesmanship; and the election of 1824 disclosed a number of candidates for the Presidency, without any apparent difference of opinion upon public measures. The personal preferences of Mr. Clay for John Quincy Adams gave the country that untractable administration which sought to govern without a policy, and to dispense with the ordinary fidelity of party support. The opposition united and elected Gen. Jackson, and under his iron rule, during his eight years, changed the administrative policy of the country: and the nation seemed ready to pass from a Constitutional Republic to a Democratic Despotism, in spite of the most powerful opposi-

tion under the combined leadership of Clay, Webster and Calhoun. The contest was fierce and violent during Jackson's administration. Clay, Webster, Calhoun, Preston, Berrien and others contended for certain principles of constitutional government, and for restraints upon executive power; while Jackson and his supporters maintained the absolutism of the Presidential will over all subordinate officers of the Government. He removed the deposits in opposition to the opinions of the Congress, and retained his appointees against the recorded judgment of the Senate as a part of the appointing power.

The popularity of Jackson swept over the most powerful opposition ever organized under our Government, and in 1836, with Van Buren's election, there came into Congress an array of talent unequalled in any other period of our history, in which Mr. Williams was to act his part. The administration of Van Buren placed its claims to support upon the question of finance and currency, then the absorbing topic of the day, and was soon joined by Mr. Calhoun, who gave to the Independent Treasury scheme his unqualified support. The defection of Mr. Calhoun and his followers from the opposition gave a more personal turn to the debates of the Twenty-fifth Congress than before, and the contests between Mr. Webster and Mr. Calhoun are unequalled for brilliant declamation, logical acumen and oratorical power, in parliamentary history. As before remarked, the traditionary policy of the country had been overturned by the re-election of Andrew Jackson. The Secession troubles of that period were temporarily healed or abated, under the enactment of the Compromise Tariff of 1833, and the large importations of 1835 and 1836 aggravated the coming troubles—ending in the wide-spread commercial revulsion of 1837. Individual and national bankruptcy was staring every one in the face, and the new President, Van Buren, summoned an extra session of Con-

gress, on account of the suspension of specie payments by the banks, and the inability of the Administration to carry on the Government, without further legislation by Congress.

The extra session accomplished but little or nothing in the way of public legislation, for the opinion of a majority of Congress was not in unison with that of the President on the questions of Finance and the Independent Treasury. Mr. Williams steadfastly supported the Administration in its financial policy, though, from his habits of mind and course of life, strongly opposed to any sudden or radical change of measures. At this time a man of wealth, having been many years interested in a bank, and free from all sympathy with the vindictive hatred of banks which characterized so many politicians in Congress, he yet felt that the circumstances of the country justified the plan of an Independent Treasury, dispensing altogether with the aid of banks, providing a set of officers to take charge of the public money, and requiring, moreover, the payment of all public dues exclusively in specie.

As an original question, few men of high intelligence doubted the wisdom of the measure, but the certainty that it must work an entire revolution in the mode of conducting public business, and largely diminish the value of property, excited the most intense and powerful opposition, and it was only finally carried through in 1840, after the most determined enforcement of party discipline. A political revolution was the consequence. But the country acquiesced in the measure, and the subsequent attempt of Mr. Clay and his friends to change this policy, and return to that of a United States Bank, alienated President Tyler from the Whig party, and led to its subsequent defeat.

Mr. Williams saw the practical results of this measure clearly, and from the start, and advised and supported the Bill of the extra session, and the Bill introduced on the twenty-sixth of January,

1838, by the Hon. Silas Wright, of New York,—between whom and Mr. Williams the utmost cordiality always existed,—and supported the Independent Treasury Act of 1840 which became a law.

Mr. Williams's first act of importance in Congress was the Resolution, submitted by him on the thirteenth of October, 1837, in reference to the Northeastern Boundary, in the words following:—

“Resolved, That the Secretary of War be directed to submit to the Senate, at as early a day as practicable, a plan for the protection of the northern and eastern frontiers of the United States, designating the points to be permanently occupied by garrisons; the auxiliary stations for reserves, and deposits of munitions and other supplies; the routes to be established for the purpose of maintaining a safe and prompt intercourse between the several stations, and from these with the depots in the interior; and finally, the minimum force which, in his opinion, will be required to maintain the peace of the country.”

His subsequent labors on this matter, hereafter referred to, were abundant, arduous, and effective, and form no unimportant part of our national history.

At the regular session of the Twenty-fifth Congress, on the fourth of December, 1837, Mr. Williams was placed on the Committee on Naval Affairs, and on that for the District of Columbia. His invaluable labors on the latter committee are still gratefully remembered by the people of Washington.

On the twentieth of December, 1837, he called for information as to the survey of the Kennebec River.

But the work of this session for which he is most gratefully remembered, and in many respects the one most deserving of praise in his whole public life, was his effort to provide for the relief of the Insane. On the twenty-ninth of December, 1837, he

reported a bill, from the Committee on the District of Columbia, for the establishment of an Insane Asylum for the District of Columbia, and for the Army, Navy, and Revenue Service of the United States ; and on the second of January, 1838, made that brief but able and clear statement of the claims of this class of unfortunates that satisfied the minds of Senators ; and on the twelfth of January, 1838, the bill, appropriating \$75,000 for the purpose of its commencement, passed the Senate, and finally became a law.

This plan of a Government Hospital, thus initiated, has been carried into execution by one of the most worthy and accomplished of all the sons that Maine has sent forth into the field of duty, Dr. Charles H. Nichols, a native of Vassalboro, in our State, his father an old friend and client of Mr. Williams. Nothing could be more gratifying than to observe the almost filial devotion of Dr. Nichols to his faithful friend ; and Mr. Williams, with equal gratification, witnessed his success, and saw, in 1861, the completion of his plans for this great work. The success of the Government Hospital for the Insane is admitted to be due to the ability, prudence, fidelity and good sense of its accomplished Superintendent, who has guided all the expenditures, from the purchase of the ground to the erection and completion of the building—which is, undoubtedly, more perfect in its structure, its architectural plan and internal arrangements, than any similar one in the country. Its farm, on the eastern shore of the Potomac, two miles south of the Capitol, contains one hundred and ninety-five acres, and the building is seven hundred and twenty feet in length. No intelligent stranger remains in Washington for a day without visiting this noble institution.

Equally praiseworthy were Mr. Williams's exertions, in conjunction with Benjamin Brown, Esq., of Vassalboro, for pro-

viding relief for the unfortunate insane of our own State. He made a donation of ten thousand dollars toward the foundation of the Maine Insane Hospital, and ever watched its success with parental care. In their late Report, the Trustees, under date of December 4th, 1862, say :

“Since the last meeting of the Trustees, one of the early benefactors and founders of this institution has been called to his rest. We owe it to the goodness of God that such a man as the Hon. Reuel Williams has lived and labored amongst us. His name and many worthy deeds will long be remembered with respect and with gratitude by multitudes. The fact that the foundations of the hospital were laid principally through his liberality, is too well known to need any record here. But it may not be so widely known that the success and prosperity of the hospital are largely attributable to his constant care and watchfulness over its interests from the time of its first establishment to the very close of his useful life. For a long succession of years Mr. Williams was a leading member of the Board of Trustees, and was unwearied in his labors for securing the best means for the comfort and cure of all who came within these walls. And even after he resigned his seat in the Board, he did not cease to show his deep interest in the institution, and in whatsoever related to its prosperity. Often have present members of the Board been favored with his judicious suggestions and wise counsels, that have been of important assistance to them in the responsible trust committed to their hands. While, therefore, we would bow with reverent submission to the All-wise Disposer of all things, in the bereavement which has befallen us, we would also, with gratitude to the same great Being, cherish the memory of our departed friend and councillor, and strive to imitate his virtues.”

The Superintendent, in his Report, uses the following language :

“ It may be well to allude in this connection to the loss the hospital has sustained in the death of one of its founders and largest private benefactors. In the decease of Hon. Reuel Williams, a wide gap has been made in the circle of friends of the insane. Early he beheld the wretched condition of this unfortunate class; his eye pitied, and forth from his beneficence flowed that which laid the foundation-pillars of this noble structure. With a father's care he watched over the interests of the hospital from its beginning, spending days of his valuable time in devising means to promote the comfort and well-being of those who had fallen victims to this worst of human ills, and had come hither for relief. For more than fifteen years he was an active member of the Board of Trustees, performing much of the heavy work which devolved upon the Board, without ever receiving a dollar of compensation for his labor; and when advancing years admonished him that it was time to lay aside the cares of public business, and he resigned the office of Trustee, yet his interest in the institution did not abate. Often his thoughts reverted to it, and his steps were directed hither, where his counsel and advice were freely given to facilitate the best good of the Asylum. And now, though he rests from his labors, though his tongue lies silent in the grave, he yet speaks to us, saying: ‘ Be kind to the unfortunate and afflicted.’ ”

On the second of February, 1838, Mr. Williams submitted in the Senate the following resolution:—

“ *Resolved*, That the President of the United States be, and he hereby is, requested to communicate to the Senate, in such manner as he may deem proper, all the correspondence recently received and had between this and the Government of Great Britain, and the State of Maine, on the subject of the Northeastern Boundary, which, in his opinion, may be communicated consistently with the public welfare.”

This resolution was considered and agreed to, February 5th, 1838.

He made his great speeches on this question on the fourteenth of May, 1838, and on the eighteenth of June, 1838. These speeches, and others on the same subject in 1842, are worthy of republication, as specimens of effective public speaking. The "Bangor Democrat," speaking of the speech of May 14th, says:—"Reuel Williams delivered in the Senate a speech, evincing great research, perfect knowledge of the subject, and remarkable power."

On the twenty-second of December, 1838, Mr. Williams submitted the following resolution, which was considered and adopted:—

"Resolved, That the Secretary of War be requested to communicate to the Senate such information as may be in his possession in reference to the defence of the frontier of Maine, and the number of troops now employed within the State, and the posts at which they are stationed."

He opposed the Treaty of Washington, and in secret session, when its ratification took place, he moved its rejection, and that our Government cause the line to be run and marked, according to the stipulations of the former treaty.

The consummation of this treaty was to him a severe personal and political mortification, and his failure to prevent its ratification was one of the regrets of his life. In reply to an inquiry why he did not defeat it, he said:—"I depended on Judge Preble. He pledged to me his word that he would not give his assent to it. I thought I could depend on Judge Preble, and I left Washington for a short visit to the Virginia Springs, with an invalid daughter, thinking the matter safe, and that the assent of the Maine Commissioners would not be given to it. On my return to Washington, I found the Maine Commissioners, after preparing a statement of reasons for their

refusal, had signed their names, *consenting* to the treaty, Preble with the rest, and had left for home. The matter had then got beyond the reach of any power of mine."

Mr. Williams's speech in secret session, in opposition to its ratification, was only an indignant protest against a foregone conclusion, and he bore in silence the imputation attempted to be cast on him, of a want of frankness in relation to this measure, rather than shield his reputation by a profitless attack and discomfiture of those on whom the real responsibility rested.

But it is a credit to Mr. Williams that he saw in advance what every one now so fully understands and admits, not excepting the geographers and statesmen of England—the entire absurdity and falsity of the British claim.

Mr. Williams was re-elected to the Senate in 1839, for the term of six years from the fourth of March, 1839, but he retained his seat only six years in all, during the sessions of the Twenty-fifth, Twenty-sixth and Twenty-seventh Congress, resigning in 1843, on account of the magnitude of his private interests, and his indifference to the honors of public life.

It is the reproach of our system of government, in the estimation of intelligent foreigners, that we have no statesmen in public life, because men pursue politics as a trade, from motives of personal ambition, or as a means of livelihood. It is said that we have no *retiring* age for public men; that, after going through the routine of Congressional life, men turn up as candidates for Door-keeper, or appear as lobbyists in the pay of contractors, or turn contractors themselves.

It is pleasant to turn to the example of Mr. Williams, as a reply to this satire. Although so many years in public life, in such varieties of service, he never sought office, and never accepted it but in subordination to a sense of duty; and he laid down his office or surrendered his trust the instant the duty

assigned him was performed. A public and a private trust he considered equally sacred. In the National and State councils, in the several commissions he held, and in the management of the various public duties confided to him, his time and his best efforts were as conscientiously and fully devoted, as when engaged in an important lawsuit for an exacting client.

The character of this brief memoir, and the length to which it is already drawn, forbid more extended comment on Mr. Williams's senatorial career, which was distinguished throughout by marked ability, and his accustomed fidelity and independence. Some acts, however, deserve especial mention as indicating his superiority to party. He opposed Mr. Calhoun's amendment to the Enlistment Bill, which first prohibited the enlistment of blacks in the naval service; and he made a speech in favor of, and voted for, the Tariff of 1842, the great Whig measure of the Twenty-seventh Congress, which, but for his vote, would have been defeated. To Senator Bagby, of Alabama, who made a coarse and abusive speech, in the style of that time by the extreme Southern men, against the people of New England, Mr. Williams coolly replied, telling the Senator from Alabama that, unfortunately, he knew nothing of the people against whom he addressed his remarks, or he would not be guilty of such an act of injustice.

Although a party man, Mr. Williams never threw a strictly party vote, or in other words, he voted according to his convictions of duty, and would not surrender his judgment to any party. He did what he thought was right, and voted against his party on all questions whenever, in his opinion, they were in error. He fearlessly opposed the Annexation of Texas, and predicted that it would result in a dissolution of the Union or a protracted civil war, an event he lived to witness.

A good illustration of Mr. Williams's character is shown in

his course on the question of legislative instructions. On accepting the Senatorship, he avowed his belief in the binding force of instructions, and declared that in case he could not obey the instructions of the Legislature, he would resign. In 1841, the Maine Legislature, being Whig in politics, passed resolutions referring to Mr. Williams's pledge, and instructing him, in general terms, to vote for Whig measures or resign. Mr. Williams presented these resolutions to the Senate, and in a speech, distinguished for its clearness of statement and logical precision, laid down the true rule as to instructions, and declared his readiness to vote for any specific measure required of him, or resign; but he failed to find anything in the resolutions sufficiently definite to act upon. This ended the matter of instructions, for no attempt to instruct him on any particular question or measure was afterward made, and his exposition may be fairly regarded as the admitted doctrine on that oft-mooted question of former times.

In retiring from the Senate, Mr. Williams left it with the cordial good-will of all its members. A distinguished contemporary, speaking to us of his Senatorial career, uses the following language:—

“I knew Mr. Williams well whilst he and I were together members of the United States Senate. It was then composed of some of the greatest minds that ever adorned that or any other legislative body. Clay, Webster and Calhoun were conspicuous in that bright galaxy of talent by which they were surrounded. Mr. Williams held a rank and standing of which his constituents and friends might well be proud. He was a member of some of the most important committees, and discharged his duties with great ability. He investigated a subject thoroughly, and in discussing it was always listened to with profound attention.

“He was decided in his political views, but mild and amiable in

presenting them. He commanded the respect of all parties, and no man's opinions had greater weight than his on any question before the Senate, when he was known to have brought to bear upon it his great talent for investigation.

"In his private intercourse he was esteemed and respected by all. His political opinions were always so presented as to produce no acerbity of feeling on the part of political opponents. He was unobtrusive in his manners, conciliating in his general deportment, and never failed to command the good opinion of those with whom his personal or business intercourse brought him into contact."

Those only can have realized the true greatness of Mr. Williams, so quietly and unostentatiously did he move among his fellow-men, who saw him in contact with other great men, at the Bar, or in the Senate of the United States. Here he was the peer of the greatest. One of the last, if not the very last cause he argued in Court, out of his county, was the celebrated case of *Veazie versus Wadleigh*, touching certain water and shore rights at Oldtown, on the Penobscot, before the Supreme Court at Bangor, in the fall of 1834, where, as counsel for Wadleigh and Purinton, he argued their cause with ability and success. He was of counsel for these parties in the subsequent trial before Judge Story, in the Circuit Court of the United States at Wiscasset, with Daniel Webster, Judge Shepley, Jonathan P. Rogers and the writer of this memoir. On the other side, Jeremiah Mason, Frederic Allen, and W. P. Fessenden appeared as counsel. The case involved important interests, and excited great attention. More time was occupied in the few days that this case was before the Court, in the consultations of counsel, than in the court-room. In these consultations, the most noticeable fact of all was the extraordinary deference which Mr. Webster paid to Mr. Williams. Although one year older than Mr. Williams, and at that time in the full flush of

success and in the zenith of his power as master of eloquence and argument, he deferred to Mr. Williams's opinions or suggestions as to a superior, although, by long and careful investigation and preparation, as fully conversant with all the facts, and the law of the case. This high estimate of Mr. Williams, Mr. Webster always retained, amid all their open conflicts, and their subsequent collisions in public life, growing out of the North-eastern Boundary Dispute and the party contests of the time.

One who knew him long and well says:—

“He had a remarkably clear insight into character. Sometimes he withheld his confidence, where apparently it might safely have been given; but subsequent events rarely failed to show that what was attributed to prejudice was due only to foresight. Frank, honorable, and upright himself, he scorned indirection and trickery in another; never idle, and always truthful, he despised a sluggard, and detested a liar. His temperament was remarkably calm and equable. In the ups and downs of a long and busy life, he was rarely elated by gains or depressed by losses. He seemed to view the result of whatever he had deliberately undertaken with a philosophical indifference.”

Mr. Williams's superiority in public life was seen in his elevation of purpose and freedom from all inferior or unworthy motives. He never considered the effect of his vote, or of a measure under consideration, upon his party or upon himself. He had no anxiety to shape his policy to suit an existing prejudice, or to satisfy an unreasonable demand. He had no aspirations for a higher place, and no desire to retain his seat in the Senate beyond the time when he felt he had accomplished there what good it was possible for him to achieve. As he entered the Senate at a time when the most fearful and gloomy apprehensions overspread the nation, amid financial embarrassments consequent on unwise tariffs; with commercial credit at its

lowest point, and the insane cry against the introduction of foreign capital echoed far and wide by the leaders of the Democratic party; he knew that the only mode of sustaining public credit was by the enactment of a Protective Tariff; and the only method of giving value to property and diffusing prosperity among the people, was by allowing unfortunate debtors to go free under a General Bankrupt law, while proper encouragement was given to home industry. He remained in Congress to vote for these measures, in opposition to the popular feeling of his party, and he boldly stood up for what he thought was right, regardless of the clamor of the shallow politicians of the hour. He left the Senate after these measures were consummated, with the consciousness and the conviction that his duties in that field of labor had been faithfully and fully performed.

The example of Mr. Williams, at a period when the possession of a place was used as a mere stepping-stone to another and a higher one, deserves to be held up for admiration in contrast with the prevailing tendency of the times. No one, or scarcely one, could be found in office, contented with the discharge of its duties; and we trace to this cause our political troubles, the derangements of the currency, the slavery agitation, the repeal of the Missouri Compromise, and its consequent evils culminating in the present civil war.

It will not be thought out of place to refer, in this connection, as in striking contrast to Mr. Williams's example, to a contemporary statesman a few months his senior, who departed this life only a few hours before Mr. Williams, and who, having passed through all the gradations of public honors and offices—Governor of the Empire State, Senator in Congress, Secretary of State, Minister to the Court of St. James, Vice-President, and finally, President of the United States, left on record by his will, dated January 18, 1860, this memorable confession:

"I, Martin Van Buren, of the town of Kinderhook, County of Columbia, and State of New York, heretofore Governor of the State, and more recently President of the United States, *but for the last and happiest year of my life a farmer*, in my native town, do make and declare the following to be my last will and testament," &c.

The fact of Van Buren's election to the Presidency gave him no real satisfaction, for his joy was turned to sadness, and his cup of happiness poisoned by subsequent defeats; and never did he find so much satisfaction as in the quiet of rural pursuits. If we recall the history of other of Mr. Williams's contemporaries in the Senate—Clay, Webster, Calhoun, Cass and Benton, leaders in those days who never reached the Presidency; or Pierce and Buchanan who did—we shall be struck with the singular infelicity of their political career, from disappointments like those of Van Buren, or worse results than defeat.

We esteem it fortunate that an example like that of Mr. Williams remains to us, that no feeling of unsatisfied political ambition disquieted his subsequent life, and that he had the good sense and self-respect to decline a seat in the Cabinet, virtually proffered him, for which, by his great experience on the Committee on Naval Affairs in the Senate and his admirable executive ability, he was so preëminently qualified. But greater than all was the value of his example, in the healthfulness of its tone, in his freedom from those "infirmities of genius" that regard imprudence in personal habits, extravagance, and debauchery as the necessary conditions of public life. It was the fault of the time to regard politicians as necessarily heedless and improvident, and that for them there must be pensions and subscriptions, as if such men were not expected to foresee the consequences of their own weakness and folly. Mr. Williams saw all this in its true light,—that the only true basis of

political power and influence was a lofty independence that scorned alike the thought that a pension was a mark of honor, or that his party had any right to treat him as a hireling and a mendicant. Simple in his habits, generous in his mode of living, he made no concessions of his personal independence to any of the arbitrary and capricious demands of fashion or of party, and pursued the even tenor of his way, not only in the Senate, but in all his private walks to the close of his earthly career. His whole life in business, in the family circle, and in public station, seemed, in a measure, mechanical,—like a well-ordered machine, where each part, obeying its organic law, in subordination to a higher principle, ran on, with an unvarying and steady movement, till it fulfilled its mission, and the fine frame that held the informing spirit ceased to move.

At the ripe age of sixty, in the full strength of his intellectual and physical powers, without any unsatisfied desire, he resigned his seat in the Senate, with two years more of his term before him, in the full expectation of retiring altogether from public service. But new labors awaited him. The country rapidly recovered from its six years of exhaustion—from 1836 to 1842—under the influence of the Tariff of 1842, and in 1844 the spirit of improvement reached Maine, and her people began to entertain the subject of railroads. The drain on its population consequent on the building of railways and factories in Massachusetts and elsewhere, with the tendency to emigrate West, had begun to draw upon the strength of the State, and to excite alarm; and it was seen and felt that, in spite of the limited amount of our realized capital, Maine must embark in these improvements or fall behind in the race.

Mr. Williams looked upon these movements as premature; and in the winter of 1843–4, when the project of a railway from Portland to Bath was acted on, he took very little if any

interest in it. In the western portion of the State, an intense and bitter hostility to railways had been engendered, by the course adopted in the construction of a line into Portland by parties residing out of the State, in extension of the line from Boston. This feeling had full sway in the Legislature of 1844, and no satisfactory charter could be obtained. Legislation of the most hostile character against existing lines of railway was carried through, in sympathy with the feeling in New Hampshire. The railway question had been made a political party question, the Whigs favoring, and the Democratic party opposing. Mr. Williams had no sympathy with this party feeling, but he knew the expensive character of railways, and saw no means adequate to their immediate construction, and that their first effect would be to carry off business from the State.

In the autumn of 1844, when the plan of a railway from Montreal to the Atlantic was proposed, the design was to have two outlets—one to reach the ocean at Portland, and the other, embranching in the Androscoggin Valley at Rumford or Bethel, to extend to Augusta, and from thence to Bangor eastward, and to Bath.

The people of Portland promptly fell into the support of the project; those of Augusta disregarded the proposal. The Montreal Railway project took immediate possession of the public mind of the State. The "Eastern Argus," the leading organ of the Democratic party, took the strongest ground in its support, and its conductors made no secret of their design to throw party overboard on the railway question, and, if need be, break down their party in the State on it, rather than longer forego the advantages of railroads.

The result was not long doubtful. The leaders of both parties vied with each other in their zeal for railways; and by a single stride, with scarcely any opposition, Maine changed front on

the railway question, and adopted the most liberal policy of any State in the Union. This unanimity of sentiment was Maine's chief capital; and thinking men foresaw the result, in the sure accomplishment of the greatest public work of the day, taking into account its international character, and its influence on the course of trade and of public opinion. The geographical and commercial importance of Maine was in a measure realized by the more intelligent of its people.

The putting of this project into execution led to the adoption of another—the extension of a line in connection with the Montreal Railroad to Bangor and the East. The development of this plan roused the lower Kennebec, and her people came forward with a renewal of their project—a line of railway from Portland to Augusta, with a branch to Bath.

These rival movements aroused the whole State, including Mr. Williams, who, from his great wealth, known sagacity and public spirit, was necessarily to become a leader in them. Yet he held back rather than pressed forward at the start. But events moved rapidly. An effort to unite all interests in the State, by swinging the Trunk Line to Montreal as far east as Lewiston, an extension thence to Gardiner and up the Kennebec River, with a branch to Brunswick and Bath, failed of success, from the unwillingness of Mr. Williams and his associates to desert the line of policy unfortunately agreed on with the leading citizens of Bath and Brunswick.

Two rival schemes went forward, soon involving a war of the gauges, for the Atlantic and St. Lawrence Railroad Company and the Androscoggin and Kennebec Railroad Company adopted an independent gauge of five and a half feet, upon the fullest consideration of its advantages, while the Kennebec and Portland Railroad Company adhered to the plan of a narrow-gauge line, in view of a connection with the line of railway to Boston.

From the autumn of 1846, the war of rival interests was fiercely waged, subordinating nearly all, if not every other public question in the State to this, till, on the completion of the "*Back Route*" to Waterville, in advance of the construction of the narrow-gauge line to Augusta, Mr. Williams frankly admitted their great error. He entered the Legislature in 1848, as the Representative from Augusta, and endeavored to break the chain of charters that held in check all extension of railways above Augusta, in connection with the narrow-gauge, but in this he was for the time defeated. He had not over-estimated his own power, so much as he had undervalued the strength of his opponents. He saw clearly the disastrous consequences to his own fortune of the policy of rival lines, and he frankly inquired for conditions of peace. Those agreed on were, an abandonment of any purpose to extend a rival line on the narrow-gauge to Bangor, and the unanimous support of a broad-gauge line from Waterville east, with suitable arrangements for connection at the point of crossing of the narrow-gauge line from Augusta up the Kennebec River.

This arrangement, on his part, was faithfully observed and kept; the restriction on the right to extend a line from Augusta up the Kennebec River was taken off, and the broad-gauge line was extended from Waterville, in connection with the Androscoggin and Kennebec Railroad, to Bangor.

Mr. Williams took great interest in the project of the railway from Bangor to St. John and Halifax, attended the celebration at the breaking of ground on the European and North American Railway, at St. John, was a Director in the Maine corporation, and a party to the provisional contract for the construction of the line through Maine, by Jackson and Betts, which fell through from a failure to secure the necessary legislation in Maine, on account of the opposition of parties interested in the

contract for building the line from Waterville to Bangor. The Crimean War soon after followed, and the people of Bangor discovered, when it was too late, their error in not allowing the granting of a charter, adequate to the requirements of the enterprise. But for this short-sightedness, the entire capital for the line from Waterville to Halifax would have been provided, before the European war of 1853-4 had disturbed the money market of England.

This railway war, in our State, has been the prolific cause of disaster to many a private fortune, and embittered, for the time, some sections against others. But such is the peculiar configuration of the State, and so great was the isolation from each other of the various sections before the advent of railways, that, from want of unity in purpose and plan, it may fairly be doubted if a single line could so soon have gone forward and been extended to Bangor, or to the Kennebec, but for this rivalry. The public, as a whole, were the gainers, but there was a painful loss entailed on the original stockholders and bondholders. Of this class Mr. Williams was the largest loser. He invested of his own fortune more than three hundred thousand dollars, and sacrificed more than two-thirds of that sum in this railroad, to say nothing of the indirect losses that followed, and the devotion of more than fifteen years of his life. But when the sacrifice had been made, he looked philosophically at the result, and said: "I do not, on the whole, regret it. I doubt if my time and money could have accomplished so much good in any other way." Some things had stung him deeply; such as the repudiation of original liability, pleaded by way of defence, on a suit on coupons, upon certain city bonds which had been issued to aid the construction of the Kennebec and Portland Railroad, of which he was the President; as if the plea of payment was not sufficient, or all that an honorable defence would

justify. He also felt the injustice of the refusal, by his associates, of that support which they had promised him in the hour of the greatest pecuniary difficulties of the Railroad Company, in case he gave out his own personal obligations, to avoid the sacrifice impending over it. But he was too much a man of the world to make private griefs public, and suffered in silence the consequences of his own generosity and public spirit.

It is true Mr. Williams had, of necessity, kept a show of courage amid the difficulties that surrounded the construction of so expensive a line of railroad, or its ruin would have been inevitable. But he refused to desert his post, or take any advantage to himself. He relied upon that good faith and that sense of honor which he himself respected, and saw, in his old age, the dropping out, one after another, of those on whose good faith he had relied for agreed contributions towards his advances, with the same sort of feeling as one looks at the follies of youth, "more in sorrow than in anger." Wearied with the delays of the Court in deciding controverted points, he made the best terms he could by amicable adjustment of his claims, and philosophically gave his thoughts to other matters. Other men contributed liberally, some perhaps as freely as himself, in proportion to their means, but it is not hazarding anything to say that, but for Mr. Williams, the railroad could not so soon, if ever, have been built to Augusta.

No man in our State, or in New England, ever passed through such a trial of strength, both of character and fortune, as Mr. Williams suffered for fifteen years, from the time of the inception of the railroad enterprise till he closed his connection with it in 1861. His hitherto unconquered will regarded no labor too arduous, no effort of mind too great, no sacrifice of private fortune too large, for the successful accomplishment of what he deemed a necessary public work; while he, at the same

time, realized what all men of true public spirit and of generous natures know, that, for any great work done for the public, the only present reward will be the ill-will of the sluggish, the envy of the narrow-minded, and the hatred of all those most benefited by his labors.

But death robs envy of its sting, and a wiser appreciation of the value to themselves of the labor of another gradually eradicates the hatred of compeers and competitors. De Witt Clinton was deprived of his office as Canal Commissioner, the emoluments of which were esteemed by him as a means of support of a large family, as he declined to profit from public employment; but a returning sense of justice has made his name renowned and honored everywhere.

Having closed an agreement for the sale of his interest in the railroad, in September, 1861, Mr. Williams again became free of public cares. But new duties still awaited him. In the month of October following, though then in the seventy-eighth year of his age, he yielded to the earnest solicitation of Governor Washburn, and accepted the appointment of Commissioner of Maine to Washington, in response to the invitation of the United States Government, to inaugurate a system of defences for the loyal States. This Commission was dated the twenty-third of October, 1861, and on the first of November, Mr. Williams reached Washington in the discharge of its duties—his first visit since his resignation of the office of Senator, eighteen years before. One only of the old employés of the Senate of his time remained. Asbury Dickens, Secretary of the Senate, had, a few months before, at the age of ninety-four, been gathered to his fathers, and the Senate Chamber of 1843 had been assigned to the Supreme Court, and new halls, with ample apartments, were now occupied by the Senate and the House. Elisha Whittlesey, the upright First Comptroller of the Treas-

ury, of the same age with himself, was discharging, with his accustomed vigor, the duties of his office. But he, too, has recently been called away at the summons of death. A few men of other days remained of those in office when Mr. Williams left public life. But it was a pleasing sight to witness the deference everywhere paid him, for no man ever left Washington with a purer reputation.

Mr. Williams grew impatient, at times, at the delays consequent on the absence of the public officials, but remained some weeks, until an agreement was made with the Administration that it would enter at once upon the defence of the State, and accept the money needed therefor from the State Treasury, on the issue to it, in return, of twenty years six per cent. bonds.

On the receipt of the official note of the Secretary of War, setting forth the terms of the arrangement, Mr. Williams left for Maine. But, before his departure, he joined in an application to the Secretary of War for the putting in progress the work on the fort at the mouth of the Kennebec, and another for giving it the name it now bears, both of which were successful.

This was the close of his public life. Up to this time, no one could perceive any diminution of his powers of mind, and scarcely any abatement of his physical activity, except a slight defect in hearing and a more measured gait. At Washington, he visited all the public places and military parades, regardless of the weather; climbed all the staircases and galleries of the new Capitol, the Insane Hospital and the various public offices, with apparent ease; and he received and returned calls from his numerous friends of other days.

He had urged, as an objection to his acceptance of this Commission from Governor Washburn, the fact of his age, and his unwillingness to take a place calling for active service that

could be better performed by another and younger man. But on learning fully Governor Washburn's policy, and perceiving how deeply he felt the necessity of his acceptance of that trust, he yielded his objections; for he realized the importance of the occasion, and the value of the opportunity afforded by this invitation of the President for establishing the claims of Maine upon the General Government, and of initiating a policy for the State.

It proved what Governor Washburn intimated to him might possibly turn out to be the case,—“his last public service, the graceful rounding off of a long life of public usefulness and duty.” The complete success of the Commission, and the unanimity with which the Legislature of Maine adopted and followed out the policy of Governor Washburn, was to Mr. Williams a grateful and satisfactory reward. He regarded the policy thus entered upon as destined to final and full success, requiring only the persistent efforts of the State Government to this end.

Returning from Washington in November, 1861, he was taken down with a severe attack of catarrhal fever, probably aggravated, if not induced, by the excitements and exposures of his long journey. For some time his recovery seemed doubtful. But his iron frame withstood the attack, and after some months of confinement he regained sufficient strength to attend to business,—a new call being made upon him to rebuild, on the site of his former office, an elegant and more valuable block of stores, in place of one swept away by fire. He went into this work with his accustomed energy. He carried out, too, in June, 1862, his purpose of a business visit to Boston. On his return from Boston, on the fourth of July, his friends were, for the first time, admonished of his failing strength. He soon perceived this himself, and said:—“I do not get any stronger; and I do

not know as I desire to." But a day before his death, though confined to his house, he seemed so well that his son went to Portland on business, not deeming him so near his end.

On the twenty-fourth of July he sank rapidly, and was fully conscious of the approach of death. Observing his only brother near him, he quietly said, "You have come to see the last of me, Daniel; we may as well take leave of each other now," and they shook hands.

To his grand-daughter, who was in the room at eleven o'clock in the evening, and of whom he was very fond, he said, "You had better go to bed, Anna," and he kissed her and sent her away.

Calm and unruffled, as in the days of his manly strength, he cheerfully awaited the summons of death with the dignity of a philosopher and the meekness of a Christian. At one o'clock on the morning of Friday, July 25th, 1862, the life of Reuel Williams on earth was no more.

In this hurried and imperfect sketch of the more salient features of Mr. Williams's career, doubtless many things are omitted which might have been appropriately referred to, had the duty fallen on the writer of it in season for a fuller preparation, or at a time when his thoughts could have been uninterruptedly given to it. A sense of obligation to the illustrious deceased, and a vivid appreciation of the eminence of his virtues and the greatness of his character, alone justified this effort to place in the archives of our Society some facts calculated to perpetuate his memory. The task should have fallen on one nearer his own age, more familiar with his early life, and better fitted by habits of study, and as a writer, to do justice to so noble a man.

Numerous, varied, and invaluable as were Mr. Williams's

public labors, they were far less deserving of praise than his private life. Public employment sometimes destroys or unfits one for the duties of a good citizen, often the most trying of all. Mr. Williams's public and professional labors did not withdraw his attention from the ordinary duties of daily life as a citizen, a neighbor, and a friend. The care of schools, the education of the young, the opening of highways, the establishment of lines of communication by means of stage-coaches and of steamboats, before the advent of railways, were among the matters carefully looked after by him, as well as the building of churches, hotels, and other public edifices. He was an advocate, and an exemplar, too, of the doctrine of "encouragement to home industry," in the building of foundries, factories, and other works for employing labor and capital. He was the chief promoter, if not the original projector, of that noble line of stages between Augusta and Bangor, which had no superior in the United States. He had a large interest in the Augusta Dam, built in 1837. Though slow to come into the plan of building it,—distrustful, inasmuch as it had, at its inception, no secure ledge foundation,—after it was once entered upon, he gave to it his generous support, and finally the whole rested on his shoulders. When this dam was carried away in 1839, creating so much consternation and alarm, he alone, of all the people of the city, was calm and unruffled. An eminent lawyer of his own age, speaking of him, says: "His firmness and immovability were strongly tested in disaster as well as in success; the reminiscent saw him, immediately after the destruction of the Kennebec Dam at Augusta; when every one else seemed excited and agitated, he alone was calm and tranquil."

Subsequently, when the ledge revealed itself on the western shore of the river, Mr. Williams's confidence in the dam was established. Valuable investments in the shape of factories and

workshops are now planted there, in which he was largely interested.

It has been shown by a recent writer that great vital power is essential to eminent success; that no man has reached the highest attainments in science, art, law, politics, or arms, without extraordinary vital force. Without this organic power, no one can sustain that intense, long-continued application, that is essential to the mastery of the more difficult problems in abstract science, or the practical solution of the novel questions that arise in public affairs.

Mr. Williams, no doubt, owed much of his success to his naturally fine, physical organization. Not large, or much above the average of men in physical stature, he had a close-knit, compact, sturdy, muscular frame. The labors of early life strengthened his bodily powers, which his cheerful temper, upright life and industrious habits, kept free of all excesses, so that he never wasted his life physically, nor his mind by any indolence or neglect, while his moral sense had all the instinctive quickness of a sensitive nature, rendered active by watchful practice; so that he had in early life the most extraordinary self-reliance and self-control, and he seemed to those who knew him far older than his years, and almost too precise and methodical for a man of ordinary impulses.

A striking trait in Mr. Williams's character was a habit of early rising, commenced in boyhood, and continued through life. He was always prompt at his post, whether at school, in his office, or other position. He invariably took the earliest hours of the morning for the performance of labor, and was thus enabled to accomplish more than others. By systematic use of time, he achieved more, in the fruits of labor, than any one known to me. He could sustain the most exhausting intellectual effort without apparent fatigue. He had extraordinary

powers of abstraction, so that he could give his mind fully to the investigation of any required subject, withdrawing his thoughts from other topics, till he mastered all its details of fact and comprehended the principles involved; and then turn his mind upon another matter equally difficult, without any confusion of ideas or loss of perceptive power. When his mind had been called to examine a question, he held on to it till he saw all its bearings and relations clearly and distinctly, and his mind never wavered or hesitated as to its conclusions. These traits were early developed, and by this means he could readily dispose of a vast number of difficult questions, which ordinarily would embarrass and perplex men of less clearness of perception and less strength of purpose.

But his great peculiarity was a habit of system and order. He did one thing at a time, and finished it before he allowed his mind to be distracted by other matters. It was this habit, readily acquired and formed in early life, that enabled him to accomplish so much, with such uniform success. He was an accurate copyist in boyhood, a sagacious business man on his entrance into the legal profession, a wise counsellor in the more difficult cases that arise in practice, an apt conveyancer and draughtsman—remarkable for the terse brevity of his legal instruments—a skillful pleader in the days of technical practice, and an effective and successful advocate. To the jury and before the court his arguments were able, logical and exhaustive.

This habit of doing a thing thoroughly and at the first, and so arranging all his books and papers as to lose no time in a confused search for what he wanted, made him the remarkable business man that he continued to be through life. He never allowed himself to add a column of figures a second time, and never found himself, or was found by others, to be mistaken.

To all who knew him well Mr. Williams's domestic life was

the most charming theatre of his virtues; for amid all the activity of business, and the calls on his time in the public service, he never neglected his own fireside, or forgot his parental duties. Not his own children and household alone, but the large family circle of which he became the recognized and honored head, felt his influence, and the power of his teachings.

His own self-denying example, his even temper, his affable manners, his fidelity to duty in all the minute details of daily life, his readiness to aid those who were disposed to help themselves, and his silent but stern rebuke of all levity and extravagance, exerted a powerful effect on all, especially on the young, who came within the reach of his influence. His brothers and sisters, his nephews and nieces alike, consulted him and leaned on his advice with affectionate veneration and regard. He threw himself into the sports of children with the same zest as into business, always excelling in any of them. He was very fond of children and young persons, and yearly or oftener, as occasion favored, even in his latest years, he would get an omnibus, and, filling it with children, grand-children, and friends, go off to Togus, or elsewhere, on a strawberry party, or on some expedition of pleasure. He was also very fond of fishing, and, when practicable, would give up his birthday, with a week's time, to this sport.

Notwithstanding his naturally reserved manner and demeanor to strangers, or those whose character he did not respect, he was as mild and gentle as a child in disposition, and most cordial and winning to those who appreciated his true character.

His professional life, as such, gave him no great opportunity for wide notoriety or distinction out of his State, and probably he had less pride in his profession merely as a profession, than most men of his time of far less ability. His great success in the early acquisition of an ample fortune through his own un-

aided exertions, his large acquaintance with the leading men of Massachusetts of that day, his annual visits of some weeks to Boston, where he met, in the familiarity of friendship, the best educated and most accomplished gentlemen of that city, seemed to satisfy his ambition, without effort for public notoriety. But he was widely known, in comparatively early life, as a man of high promise; while his entire self-possession, ease of manner, and self-reliance, early led to his recognition as a perfect gentleman, though he never *assumed* to be one. His accurate knowledge, clear judgment, unquestioned integrity, admirable business qualities, and well-known success, inspired general confidence at home and abroad, and gave him vast influence over the people of the community where he dwelt; and his singular freedom from all vanity, display, or affectation of superiority, disarmed the natural jealousy evinced toward prominent men; and he was popular beyond example, for one possessing his positive qualities. It may be doubted if any man can be named who had in so great a degree, for so long a lifetime, retained so fully the unqualified confidence of the entire community in which he lived. He enjoyed, too, in an equal degree, the confidence and good-will of his brethren of the legal profession,—the highest aim and end of a lawyer's life.

Everything that Mr. Williams said or did, in public or private, was the result of conviction. He was sincere in thought and in act. He did nothing for effect, nothing to excite attention or draw forth observation and remark. His desire was to do his duty, to fulfill with scrupulous exactness every obligation, whether arising from his own act or undertaking, or resulting from that of others, in all the varied relations of life, whether in the family circle, the neighborhood, the community, or the world at large. He had an abiding faith in his own judgment, for he sought to form it by the pursuit and observance of every

honorable method to gain information, with the most conscientious desire to reach the exact measure of justice to others.

It may be proper to say something as to his religious belief. Educated in the Congregational order of early days, before its division into Orthodox and Unitarian sects, he afterwards became a member of the latter, and was a liberal supporter of that denomination. In May, 1853, in the Unitarian Church, occupied for the time by the Rev. Robert C. Waterston, of Boston, Mr. Williams was publicly baptized. This event following soon after the death of his son-in-law, the Rev. Mr. Judd, a man of rare genius and of deep religious feeling, for many years pastor of that church, shows the influence that had gradually led him to make a public confession of his faith.

To extraordinary energy, Mr. Williams united a large share of common sense. He had a well-balanced mind, with excellent judgment, without any brilliant qualities of any sort. These gave him great success. His influence with the jury was most remarkable, from the confidence felt in his sincerity and the truth of his statements. He had the power of presenting such arguments and reasonings as would satisfy the common sense and ordinary understandings of men. His sense of justice was always predominant. In testifying to facts affecting his own interests, no one could fail to see his exact regard for truth, and his anxious desire to give full force to facts adverse to his own side of the case. Instances of this sort are abundant and familiar to our courts and lawyers.

He had no sympathy with persons infirm of purpose, or deficient in energy and courage. He felt that success in this world was open to all men alike, and he had no patience with a spendthrift or a sluggard, though ready to help the unfortunate and the deserving.

A form of beneficence practiced by Mr. Williams, most valued and most valuable, was the encouragement he gave to the industrious and deserving, who had been fortunate enough to gain his good will, giving them means of acquiring independence by the judicious loan of his capital, in the form of permanent rents at low rates, or advances made in view of contemplated success in business. The proprieties of private confidence forbid more than an allusion to this noble trait of Mr. Williams's character.

Trained in the severest discipline in the daily duties of early life, instinctively fond of order and method, he enjoyed to the last the labors of business, the watchfulness of parental oversight and the care of his own property. In private, as in public life, he was faithful and faultless; as a legislator, cautious and conservative. He had an instinctive regard for the common law, and dreaded the innovations of sentimental theorists. All changes of the law of descent, and the separation of the property of husband and wife, he spoke of with disfavor, as tending to disturb domestic tranquillity; and he regarded the sacredness of pecuniary obligation as essential to the maintenance of good morals.

But he never took advantage of the misfortunes, the weaknesses, or the mistakes of others. He never exacted a harsh penalty, or claimed a forfeiture against an unfortunate or imprudent debtor, or took unlawful interest of others. His fortune was largely due to sagacious investments in lands, at an early day, but more to his systematic industry and the gradual accumulations of a long life of patient and productive toil.

Though occupied by so many and such multiform cares of private and public business, he had abundant leisure for the

gratification of every wish, for he so arranged his business matters that they never encroached upon one another.

Many acts of charity on the part of Mr. Williams were so performed as to leave no feeling of mortification in the recipients of his generosity; and he was ever careful to avoid all acts that might in any way needlessly wound the pride of those less fortunate than himself in the acquisition of wealth. His sense of justice was the mainspring of his conduct, and he followed the dictates of his judgment far more than any impulses of feeling.

If we were called upon to determine in what aspect of his life his example was of most value, we should say in the practical solution of that greatest social problem of this age,—the proper uses of wealth,—a question especially interesting to Americans, from the comparative ease with which it is obtained, and the laxity of morals which seems naturally to follow its possession. For distinguished position or great wealth, unaccompanied by that refinement and culture which insure their direction to noble ends, is a positive evil to the possessor, as well as to society at large; and the man who has wealth without generosity and public virtue, is an incumbrance if not a nuisance in society. To treat with respect the opinions or the memory of a man who has money, for that alone, but who fails to fulfill the arduous and self-denying trusts which wealth always and necessarily imposes, indicates a debasement in morals as offensive as the worship of idols, or other practices that place savage below civilized life. In any proper estimate of a man's character, we must award praise or blame by that impartial estimate that future times will recognize as the true one—the amount of good or ill he has accomplished for humanity and his race. Any standard of virtue drawn from a more limited view of its nature than its adaptation to the general laws of

our well-being, would be unworthy of our assent; and we estimate a man's greatness in proportion to the conformity of his life to these principles.

Upon any view of life, therefore, judging by the lowest standard of virtue, few men are fortunate within the definition of the uninspired Greek moralist, and still smaller the number of those worthy of remembrance after death. Domestic infelicity, infirmity of body, a lack of the means of enjoyment in early life of the aspirations of youthful ambition, the want of opportunity to fall bravely in battle for one's country, or, by some honorable sacrifice, win an honored name in death, are the common allotments of humanity. It is only those whose life has developed the persistent, self-denying principles of virtue, that future ages can worthily honor.

As Mr. Williams recedes from the immediate view of his contemporaries, his character will loom up to the eye of those who come after us, and assume its true proportions among his compeers. Men of more brilliant talent—in the popular language of the day—or even more developed in a single quality of mind, were around him, in the Senate and in our own State. Others had more attainments in knowledge derived from books, others still had more powers of oratorical fascination than he ever put forth in action. But it is in vain to seek among them all for one who united, in so eminent a degree, all the true elements of manhood with so few defects; who illustrated the self-denying virtue of patient forbearance under trials the most perplexing, of fidelity to duty under the greatest temptation to self-aggrandizement, of generous magnanimity under the most mortifying proofs of ingratitude. With every opportunity for self-indulgence, he maintained to the last the virtues of an almost austere simplicity, with the wisest private and public generosity, realizing the measure of Solon's rule, that he to whom Divinity continued happiness unto the end we call happy.

MEMOIR OF
HON. EDWARD EMERSON BOURNE, LL.D.
1797 - 1873.

BY HON. EDWIN B. SMITH.

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The life of a lawyer in active practice is an anxious as well as an exceedingly busy one. His engagements bring him in contact with all classes, and with a large proportion of the individual members of the community in which he lives. Identified in his own pursuits, either as adviser or as adversary, with those of his neighbors and fellow-citizens, by his conduct of their affairs he may acquire no inconsiderable professional repute among them; but, as the interests upon which this rests are local and transitory, his reputation will be so too, unless it be based upon something of wider scope, of more general, public and permanent concern, than the ordinary contests of the legal forum.

He who, in the full possession and exercise of his powers, has turned aside from occupations so personal in their character as

those of the advocate, to seek a more extended field, and to explore subjects connected with the early history of the State, and the lineage of its founders, will obtain a wider and more enduring recognition of his services, and especially deserves to have some memorial of his life and labors preserved in the archives of a society established for the promotion of such studies. Such recognition the subject of this sketch requires at our hands.

Edward Emerson Bourne was born March 19, 1797, in that part of the (then) town of Wells, which was afterward incorporated by the name of Kennebunk. Here, with inconsiderable exceptions, his life was passed, and here he died, full of years and of honors, on Tuesday, the twenty-third day of September, 1873.

He was the second son of John and Elizabeth Bourne. His mother's maiden name was Elizabeth Perkins, and, at the time she became the third wife of John Bourne, she was the widow of Israel Wildes. There had been issue of each of these former alliances, so that nine children were brought together by the union of this couple, and six more were the result of their intermarriage. John Bourne certainly enjoyed the happiness of him who "hath his quiver full of them." His first child, by his wife Elizabeth, was Israel Wildes Bourne, born December 25, 1795. "In the days of his (Israel's) infancy," writes Judge Bourne, "my father had 'nine small children and one at the breast;' those of husband and wife, under previous dispensations, having been adopted and identified as one family." He adds, "We have no specific account of the ages of the several children of John Rogers. Yet it is not at all probable he could exhibit such a rank growth of humanity as was developed under this roof. Here were ten children, the eldest but nine years of age: olive plants enough, one would imagine, to give life and cheerfulness

to any fireside. I cannot imagine any other method of taking care of and feeding them than that of calling them together and throwing food into their midst, as we do to a flock of chickens, or as the Patagonians do to all the members of the household; counting them while in the operation, to see that all are safe, and then, without further trouble, leaving them to take care of themselves. I am inclined to think this must have been something like the *modus operandi* of the daily economy; for it has always been an attribute of the nature of these children to love the out-door atmosphere and all the pastimes which the freedom of earth provides for the children of men."

Beside the two already named (Israel and Edward), there were born to John and Elizabeth Bourne two other sons, Thomas and George W., and two girls, Julia and Olive. All the sons are now dead, but the daughters survive: Julia, as the wife of Henry Kingsbury, Esq., of Kennebunk; and Olive, as the widow of the late Capt. Ivory Lord, of the same town; both well-known and highly esteemed citizens.

These successive marriages of his parents connected Judge Bourne, more or less remotely, with many of the families of his native town, and added to his desire and facilities for obtaining information of its early history. As Judge Bourne remarks, the size of the family made it impracticable for any one child to claim any very large portion of parental attention exclusively to himself, while nothing peculiar in the circumstances demanded it; so these boys grew up in the open air, with love of field sports, and with rugged constitutions which such a life in childhood would naturally superinduce. The rod and gun were familiar to his hands in Judge Bourne's boyhood, and, when he no longer cared to take the long tramps which indulgence in these amusements necessitated, even to the last years of his life, he delighted in sailing and deep-sea fishing, as well as fishing

from the rocks upon the coast, and used to go to a house near the beach for several weeks of every summer in order to gratify this taste. His baptismal names were derived from the marriage of his maternal grandmother, Susanna Perkins, with Edward Emerson, of York, in 1794, three years before Edward's birth. In his childhood, he encountered and safely passed the dangers which threaten every active boy, from accident and disease, having his hairbreadth 'scapes from the perils of flood and field; especially those which were naturally incident to his fondness for gunpowder. After exhausting the advantages of the local schools he was sent, in 1811, to the academy in South Berwick, where he pursued his preparatory studies. He was admitted to the freshman class of Bowdoin College at the September commencement of the succeeding year, and was graduated from that institution in due course in 1816, in the class with the late Randolph A. L. Codman, a lawyer of Portland, of brilliant but erratic genius, whom he called "the most eloquent member of the bar in this State"; the late John S. Tenney, Chief Justice of the Supreme Court of Maine; Ebenezer Shillaber, of Danvers, Mass., and Prof. Alpheus S. Packard, of Bowdoin College, now the sole survivor of this class. Kindred tastes, and associations connecting them both with their *alma mater*, have continued and strengthened during their long lives the friendship between him and Prof. Packard. Immediately after his graduation, Mr. Bourne commenced to study law in the office of George W. Wallingford, in Kennebunk. He prosecuted his studies there and in the office of Thomas Bigelow, of Philadelphia, till the October term, 1819, of the Court of Common Pleas for the County of York, when he was admitted to the bar. Acting, doubtless, under the same motives which James Sullivan says actuated him in the choice of locality, to wit, that as he had to break into the world he could most easily do so in the weakest

place, the incipient attorney directed his steps to the little town in the County of Kennebec, which, since its first organization, has been successively known as Freetown, Fairfax, Lygonia and Albion. It was then called Fairfax, but, for the time being, is called Albion, unless its fastidious citizens have lately bestowed upon it some new appellation, not known to the memorialist. This little town lies about twenty-seven miles north-east of Augusta, the State capital, away from the line of any railroad and the channels of business. In 1870 it had less than fourteen hundred inhabitants, and a total valuation of only \$376,971 ; so it can well be believed that it did not offer a very attractive field of labor, from a business point of view, in 1819 ; and it was from such a stand-point that the young man then looked at it, and became speedily dissatisfied with the prospect. Whatever other attractions the village, lying so near the fertile valley of the Kennebec, and its citizens might offer, they were not sufficient to overcome the paramount objection of lack of employment. Indeed, it would have been strange if the comparison between the seaport town of Kennebunk,—then one of the most wealthy and important in the province of Maine, having considerable foreign and domestic commerce, and such social and literary refinement as naturally follows abundant means and extensive intercourse with the world,—and the inland, sparsely-populated, agricultural one of Fairfax, was disparaging to the latter in the mind of the youth just entering into his profession, and regarding the whole world as the oyster his knife could easily open. Accordingly, Mr. Bourne, after a very short trial,—constrained to decide quickly by the unexpected removal of an old lawyer from the adjoining town of China to Fairfax between the times of Mr. B.'s first fixing upon that as his future home, and his actually going there to reside,—determined to return home, and did so on foot. He proposed

to open an office in his native town, although there were already three lawyers there, two of whom,—Mr. Wallingford, and the Hon. Joseph Dane, nephew of the Hon. Nathan Dane, whose name and fame are associated with the “ordinance of 1787,”—were prominent members of the bar; but in March, 1820, Maine became an independent State, and in the organization of its tribunals Jeremiah Bradbury, of York, was appointed Clerk of Courts for the County of York. Mr. Bradbury accepted the position, and, to discharge its duties, was compelled to remove to Alfred, where the courts had been held since the early part of the present century, and which continues to be the shiretown. About this same time, another of the York lawyers, Asa Freeman, moved to Dover, N. H., and the third, Isaac Lyman, died. These occurrences offered to the youthful aspirant for forensic honors and emoluments, an advantageous opportunity, of which he did not hesitate to avail himself. In October, 1820, he went to York, occupying the office vacated by Mr. Bradbury. The situation here was agreeable to him, the town having considerable commercial importance, which the railroads had not then destroyed, and great social advantages. York was then an old town (for this new country), having been settled in 1624, and called Agamenticus, a name still borne by a mountain in its limits, well known as a landmark to coasting vessels. In 1641, Sir Ferdinando Gorges endowed it with a city charter, by the name of Gorgianna, and designated Thomas Gorges as its first mayor. It was laid out regularly, with provision for the anticipated rapid increase of population and business; for which it possessed the advantages of a commodious harbor for vessels of the size then built, a river navigable to the village for craft of 250 tons, and several miles further for those of lesser draught.

But the still greater advantages of Portsmouth, N. H.—eight miles distant—in these particulars, robbed York of its pros-

pective wealth and population, to be carried to the banks of the Piscataqua. It retained the name and organization given it by Gorges for more than ten years; but, in 1653, it was organized into a town under its present name by the Commissioners appointed by Massachusetts. Though never attaining the degree of prosperity and power which Gorges contemplated it would possess, the town is still attractive for its scenery and situation, and for the cultivation of its society.

Mr. Bourne was a citizen of this ancient borough only for a short time. At the first election of representatives of the new State in the Seventeenth Congress of the United States, Mr. Joseph Dane, of Kennebunk, was chosen from his district, and, by his advice, Mr. Bourne returned once more, toward the close of that year (1820), to his native village, then no longer a part of Wells, having been the first town incorporated by the Legislature of Maine and given the name of Kennebunk; but why or wherefore so designated is a matter of conjecture. It has, at least, the advantage of novelty, if not of euphony, over the Salems, Springfields and Washingtons with which pages of our gazetteers and postal directories are filled. Here Judge Bourne remained till the day of his death.

He succeeded to the office and business of Mr. Dane, under an arrangement between them, and had the use of his large library. Under his auspices a "Literary and Moral Club," or debating society, had been formed; so that, by the office business and these public disputations, Mr. Bourne improved his capacity to discharge all the duties of his profession. Mr. Bourne was married October 31, 1822, by the Rev. N. H. Fletcher, to Miss Mary H. Gilpatrick, born November 1, 1799, daughter of Mr. Richard Gilpatrick, of Kennebunk, who was born November 7, 1753, and died September 15, 1828. This lady, like her husband, was of a very social, lively, hospitable

disposition, though both possessed profound religious convictions and feelings: faithful to these, and to every call of duty, Mrs. Bourne was highly esteemed as well as beloved, by her husband and by the community in which they occupied a conspicuous position. Never possessing great physical strength, it continually decreased until she died at her home, March 23, 1852. Four children were born to Mr. and Mrs. Bourne: Julia Maria, born June 15, 1825, died November 18, 1851; Edward Emerson, born July 12, 1831, and now living in Kennebunk, engaged in the practice of law there, in partnership with Joseph Dane, Esq.; Lizzie Green, born June 20, 1833, died upon Mt. Washington, September 14, 1855; and Mary Olivia, born July 6, 1842, died in September, 1843.

As is expected of every young lawyer in a small town, Mr. Bourne took an active part in the municipal affairs of Kennebunk from the time of his entering upon business there, though frequently the predominance of adverse opinions excluded him from official positions. From 1828 to 1833, he was one of the Selectmen; and from 1826 to 1831, inclusive, he represented his town in the State Legislature. The sessions of 1830 and 1831 were stormy and prolific of debate. In the former, Mr. Bourne was the sole dissident from the course advised and pursued by his political associates, and which proved fatal to the party in this State. The Legislature met then, as now, on the first Wednesday of January. When this day arrived, A. D. 1830, Enoch Lincoln, late Governor, had been some time deceased, dying in office before the close of the preceding year. His elected successor, Jonathan G. Hunton, had not qualified himself for the duties of the executive by taking the official oath; which, indeed, under the Constitution of Maine, can only be administered by the President of the Senate, in the presence of both houses of the Legislature; hence, it is absolutely necessary

that the Senate be organized before a Governor can be sworn in. In the case of a vacancy in the executive chair, by death, resignation, or removal, the President of the Senate becomes Governor, and thereby (the Constitution declares) "his duties as President shall be *suspended* and the Senate shall fill the *vacancy* till his duties as Governor shall cease." On the first Wednesday of January, 1830, the term of office of the presiding officer of the Senate of 1829 had expired by limitation; only the officer chosen to preside over that of 1830 could act as Governor, and it devolved upon him so to act until, in the presence of both houses, he had administered the qualifying oath to the Governor-elect. But when the Senate met, January 6, 1830, it was found that but sixteen of the twenty Senators then composing a full Senate had been elected, a major vote being requisite to effect a choice; and those elected were equally divided between the two then existing political parties! Sanford Kingsbury, of Kennebec County, was the candidate of the national republicans for Presidency of the Senate, and Robert P. Dunlap, of Cumberland (afterward Governor), was that of the democratic republicans. After balloting a week unsuccessfully, each candidate receiving the eight votes of his party, the national republicans made selection of a new candidate from the ranks of their opponents, giving the Rev. Joshua Hall, of Freedom, Senator from Waldo County (a Baptist clergyman, who had interest enough in temporal affairs to secure a seat in the Senate) their eight votes, which, with his own, cast in his own favor, elected him. According to the plain language of the Constitution, above cited, and the construction given it by the Supreme Judicial Court, after elevating himself to the chair of the Senate, Mr. Hall should have repaired to the executive chamber and there exercised the duties of Governor till Governor Hunton was qualified. This, of course,

those who elected him expected he would do; but instead of this, he persisted in remaining in the Senate Chamber, presiding there and casting his vote with his party. To fill the four vacancies, it was necessary to have the two houses go into joint convention, where the national republican majority would immediately have filled the Senatorial Board with the candidates of their own party. Accordingly, the democratic Senators, including Mr. Hall, voted against and defeated every proposition to go into convention, the 'nationals' protesting in vain against the presence and voting of the man they had chosen to preside over the Senate, and who refused to assume the discharge of gubernatorial duties. If by chance any democratic Senator were absent, the other seven also retired, so as to leave no quorum (eleven constituting a quorum), and their adversaries were powerless to act. This dead-lock continued till the second of February, when, on motion of Mr. Kingsbury, the eight national Senators voted to go into convention with the House, filing a protest, to be spread upon the Senate and House journals, against Mr. Hall's acting and voting, and declaring the motion to go into convention carried by a clear majority of the Senators entitled to vote upon it; and, acting upon this theory, the eight national Senators met the House that day and filled the vacancies at the Senatorial Board. This course was adopted by the national republicans with only one dissentient voice. Mr. Bourne, though denouncing the conduct of their opponents, in "blocking the wheels of legislation," advised his party associates to continue voting and attempting to organize in the usual manner, resorting to no extraordinary measures, and allow the people to see who were responsible for the position of affairs. When the opinion of the Supreme Court was taken, it was to the effect that the convention was not legally holden, and that those elected by it were not properly Senators according to the

terms of the Constitution. Upon this decision being made known, the democrats used it as proof that the other party were "trampling upon the Constitution," etc., etc., and thus the nationals were defeated at the next State election and the democrats came into full possession of the State, which they retained, with the exception of two years, till 1853. We have referred to these facts to show, that, though Judge Bourne was tenacious of well-formed opinions, ardent in his feelings, and even fervent in his zeal, he did not allow his judgment to be clouded; and that he could decide correctly upon law and facts although they bore upon the welfare of the political party to which he was attached, and though he was thereby constrained to condemn the course it adopted.

He was elected in the fall of 1830, for the last time, to the Legislature. As the election of 1831 approached, he had become doubtful if his daring to be in the right alone was quite acceptable to his party, and declined to accept a re-nomination. He devoted himself to his business, only varying it by lectures, addresses and exertions in behalf of the temperance reform which had just sprung into notice. Having acquired reputation and confidence, he began to argue his own causes in court, and soon had more litigated cases than any member of the bar in the County of York, though others may have done more in other branches of the law. His name first appears, so far as we have seen, in the reports in the suit of *Wells vs. Kennebunk*, 8 Greenl., 200, in which he successfully defended the latter from the action of the mother town.

At that time the Hon. Prentiss Mellen presided over the Court, Simon Greenleaf, afterward Professor in Harvard Law School, was its reporter, while Ether Shepley, then U. S. Senator and afterward Chief Justice, now living in Portland, but then of Saco, his brother, John Shepley, John Holmes, Daniel Goodenow,

Nathan D. Appleton, Joseph Dane, Sen., John Fairfield, Amos G. Goodwin, Nicholas Emery, and Moses Emery—who alone, of all this illustrious company, still clings to the pursuit of his chosen profession,—were conspicuous members of the York bar; and no other county of this or any State could show a more brilliant array. No telegraph wires then served to summon parties and attorneys to the county-seat, and no cars ran to carry them thither; so, especially at the winter terms, all the lawyers were accustomed to go to Alfred to remain, a jolly company, during the entire session of the Court. This intercourse strengthened the feeling of good will and the *esprit de corps* which has usually characterized the relations of the members of the legal profession in this county; and its influence, spread by the example of the elders, has favorably affected, we hope, the present practitioners. The case upon which Mr. Bourne particularly prided himself was one,—reported in 23 Maine Reports, 527,—in which he successfully defended a local magistrate, sued for acts done in discharge of official duty, in enforcing the liquor law of that day; though to prevail, Mr. Bourne had to argue that an opinion of that “giant of the law,” Chief Justice Parsons, rendered in *Com. vs. Cheney*, 6 Mass., 347, was erroneous; and that it was so, he fully convinced our Court, the opinion to that effect being drawn by Mr. Bourne’s old classmate, Tenney, who had become a justice of the Supreme Court. As a lawyer, Mr. Bourne was faithful to his clients in every sense of the word; not merely that he would not be corrupted by his adversary—for such instances must be extremely rare in the profession—but in that he spared no proper effort for success. If he would not betray his cause to the enemy, neither would he sacrifice it to ease, or indulgence, or by allowing his attention to be diverted from it. Nor would he permit one to prosecute, by his agency, a claim not well-founded in law

or fact, as he viewed them ; if he prosecuted any such it was because, in that instance, his judgment, and not his purpose, was wrong.

In 1838, when the Whigs elected Edward Kent Governor, Mr. Bourne was appointed State's Attorney for the County of York, being superseded by a Democrat in 1839, but re-appointed when Gov. Kent was again chosen, in 1841, and again yielding the place to one with more popular political opinions the succeeding year. His discharge of the unpleasant duties of this station was creditable to him, his indictments being carefully and skillfully drawn, so as to leave no loop-holes for the escape of rogues on mere technical objections ; and his prosecution of offenders showed the proper tempering of justice with mercy. When this office was first made elective, a year or two after he had vacated it, he was the Whig candidate for the place ; but the ascendancy of the democracy in this County was then so decided that its nominee, the Hon. John T. Paine, who afterward removed to Boston and died there, was easily elected. The Whig nomination was merely complimentary, and valuable only as showing that those tendering it were satisfied with his conduct while he held the position and believed that it commended itself to the popular judgment. Very naturally, while in full practice, his office was sought by students ; and his cheerful, friendly disposition, willingness to impart information, and the facility with which he did so, as well as his interest in those about him, and the opportunity for observing the details of legal business, rendered it a desirable school for the learner.

Among those who availed themselves of these advantages in the outset of their professional studies were Mr. Bourne's cousin, the Hon. Hugh McCulloch, late Secretary of the U. S. Treasury, a native of Kennebunk ; the Hon. Increase S. Kimball ; M. M. Butler, late law partner of Senator Fessenden and now associated

with his sons; Joseph Dane, James M. Stone, Edward P. Burnham, gentlemen well known to the people of this State and County.

In 1856, when the office of Judge of Probate first became elective, Mr. Bourne received the nomination for the place, and was chosen by a large majority. The term of that office is four years. He was four times elected, so he held the position from the first day of 1857 to the last day of 1872, inclusive. In Maine, rotation has generally been treated as the cardinal doctrine of political faith, and has been rigidly observed in practice; but Judge Bourne's fitness for the place was so obvious, and his discharge of its responsible duties so preëminently satisfactory, that no attempt was made to dislodge him, but he retained his office till failing health and strength warned him to retire. Those of the York bar who were brought most before the Probate Court, and who had best known Judge Bourne, gave a valuable gold watch to him, after his retirement, not merely as a recognition of his judicial capacity, but as a tribute of respect, and, especially, a token of the friendly relations which had always existed. The position he occupied was rather important than conspicuous. It did not offer the opportunities which the Supreme Bench does for establishing reputation, as Judge Davis has done in New York by the famous trials there last November; but the daily routine of Probate business is of vast consequence to the community, and faithful labors to so discharge them as shall best advance the public interest, are of incalculable value, though they may not challenge popular applause. In the course of a single generation, almost all—certainly more than two-thirds—of the property of the County requires the action of this Court; and during more than half this period Judge Bourne determined this action. The same funds frequently present themselves to the Court several times, while

in the hands of an executor, of a Trustee, and of a guardian, involving nice questions relating to the discharge of trust duties and the property of beneficiaries whose dependent situation commends their interest to the watchful care and consideration of the Court.

A great deal more than mere accurate knowledge of the law is requisite; so much depends upon the peculiar circumstances of each particular case, and of the parties thereto, that a correct appreciation of the relations of life, of the requirements of social position, of what is to be conceded to the conflicting claims of those connected with the decedent by blood or marriage, and of creditors of his estate, is demanded. In this tribunal, more than any other, much has to be left, necessarily, to judicial discretion, which Lord Camden called "the law of tyrants;" saying "it is always unknown; it is different in different men; it is casual, and depends upon constitution, temper and passion; in the best, it is oftentimes caprice; in the worst, it is every vice, folly and passion to which human nature is liable."

So to have exercised such power over the estates of his fellow-citizens for sixteen years as to meet with universal approbation, proves that caprice, temper and passion have not been allowed to affect the decisions of the Court, but that reason has sat at the helm, and a calm and deliberate judgment, taking counsel of experience and common sense, has directed the course pursued. Not only the substance of his official decrees, but his manner of presiding, inspired confidence in Judge Bourne. Always courteous, ready to hear, never (so far as the writer has ever learned) in any single instance showing any sign of impatience, temper, or dislike toward any practitioner, he did not hesitate to decide any case as he thought right, without regard to the relations which, out of Court, existed between himself and any party or counsel. Few men, indeed, have ever passed through

so long a life with so little hostile criticism bestowed upon his conduct, and with scarcely the slightest imputation upon the motives for any official act, or even for the expression of personal opinions. In contested cases he must frequently have disappointed one or the other, if not both, of the litigating parties; but no suitor ever appeared to suspect any more than that his cause did not present itself to the judge in the same light that it did to the party. Not more than one or two of the cases appealed to the Supreme Court of Probate were decided in that tribunal adversely to Judge Bourne's decision. The only objection we ever heard advanced against Judge Bourne's administration of justice was that he was usually too liberal in his allowances to the widows of those whose estates were settled in his Court. This accusation, made by an heir or creditor, was one Judge Bourne would hardly have cared to repel. Doubtless he was especially careful to protect the rights and interests of those whose tender years, or inexperience in business, or unhappy condition, seemed especially to need protection. The aged widow he thought more to be considered in the distribution of her husband's property than the athletic heir who looks upon her continued existence as a wrong done to him in "withering out a young man's revenue;" and he would allow the mother and little children something for their temporary support, even if he thereby reduced the creditors' dividend from seventy-five per cent. down to seventy per cent. Though his own modesty would have shrunk from such a use of Scripture, we think the language of Job applicable to him :

"The young men saw me and hid themselves : and the aged arose and stood up.

* * * * *

"When the ear heard me, then it blessed me; and when the eye saw me, it gave witness to me :

"Because I delivered the poor that cried, and the fatherless, and him that had none to help him.

"The blessing of him that was ready to perish came upon me : and I caused the widow's heart to sing for joy.

"I put on righteousness, and it clothed me : my judgment was as a robe and a diadem.

"I was eyes to the blind, and feet was I to the lame.

"I was a father to the poor : and the cause which I knew not I searched out, and I brake the jaws of the wicked, and plucked the spoil out of his teeth."

The true foundation of Judge Bourne's successful administration is found in the general conviction that in his decisions he was guided solely by a sincere desire to do right, regardless of all other considerations, and that he acted in the fear of God, and under a constant, ever-felt sense of his responsibility to Him. In early manhood, April 5, 1829, he became a communicant of the first parish (Unitarian) society in Kennebunk, of which he was an active and zealous member ever after. In 1819 he became a teacher in its Sunday-school, and was connected with it for fifty years, nearly all of that time as its Superintendent ; having first taken charge of it in 1826, and held it till his death, except a single year that he surrendered it to his brother, George W. Bourne. His life was an example to the successive generations of his scholars of christian faith and fidelity.

It is not merely in the legal, municipal or civic record of our county that the name of Edward E. Bourne appears. Before the military spirit, aroused by the last war with England, had subsided, an artillery company was formed, of which Mr. Bourne was lieutenant, and the late Barnabas Palmer, captain ; and when a sufficient number of companies was formed to constitute a battalion, of which Mr. Palmer was chosen commander,

Mr. Bourne was appointed adjutant. Thus it is seen that there was nothing that concerned his fellow-citizens, in any department, in which he did not take an interest. *Nihil humani a me alienum puto*. By all this experience, as well as by taste for the work, he was better fitted than any other person to write the history of the town. Such a book was first prepared by him in 1831, and read to his Sunday-school children. He has since written, at the request of the Maine Historical Society, a full history of the old town of Wells down to 1820, when Kennebunk was taken from it. This is an elaborate and ably, as well as faithfully, written work, in two large volumes, now ready for publication. Judge Bourne was greatly encouraged in these labors by the interest manifested in them by others in various parts of the country; but he attributed the disease which ended his life, to his close application to the investigations which the preparation of the earlier portion of this book necessitated. The natural result of entering so long ago upon this field of labor was to extend the area of research beyond the limits originally contemplated. Mr. Bourne thus became interested in the history of the earliest settlements of the State.

In his remarks before the New England Historic, Genealogical Society, relative to the death of Judge Bourne, C. W. Tuttle, Esq., thus refers to his interest in these themes:

“His knowledge on this subject was extensive and accurate. Concerning the Popham settlement, so-called, and its political and historical significance, he had very decided opinions. He contended that it gave to Maine a precedence in the history of the events of English colonization in America; that it secured this territory to King James, and began the settlement of New England. Nine years ago he delivered in Bath, on the occasion of the two hundredth and fifty-seventh anniversary of this settlement, an historical discourse, mainly devoted to the defence of the moral

character of the colonists which had been assailed, and to the support of the position which had been taken in Maine in regard to the historical and political significance of this event. This discourse is marked throughout with candid reasoning, and is distinguished for the thoroughness with which he examined facts bearing on the issue which had been raised. Many things have come to light since, strengthening and illustrating his arguments; but he exhausted the subject at that time. Judge Bourne was an occasional contributor to the *Historical and Genealogical Register*, and to the *Historical Magazine*. He kept pace with the progress of historical investigation and discovery in all directions."

Of the address above referred to, Prof. Packard writes me that it was learned and able, was received with much favor, and was published by the committee of the celebration.

In 1834, he joined the Maine Historical Society, to which he contributed valuable papers, many of which are preserved in the archives of the Society. Upon the retirement of his old friend and co-laborer, the Hon. William Willis, from the presidency of the Society, Judge Bourne was elected his successor. Prof. Packard, speaking of his election to this position, writes: "He entered upon the duties of the position with his accustomed energy and zeal; was uniformly present, though living at a distance from the place of meeting, and his opening addresses contributed essentially to the interest and success of the occasion. By personal effort in securing coöperation of others, he did much to secure material for these meetings. If others failed, he was found ready for any emergency, giving proof of the diligence and scope of his studies in the history of his own State as well as of New England."

He always prepared two or three addresses, in case others to whom the duty was assigned were unable or omitted to perform it, and several such were left unused at his death. The success

of the "field days" of the society was, Prof. Packard informs me, largely due to his agency; and at the close of one of them it was a common remark: "We owe our success and enjoyment of the day to Judge Bourne." No man, probably, was more familiar with the history of the County of York. He had thoroughly explored its public records, as well as private sources of information, to which his professional relations and his office, as Judge of Probate for the County, gave him ready access.

The cheerfulness, and even youthfulness, of spirit which he showed were not peculiar to, nor caused by, such occasions, but were an attribute and marked characteristic of his daily life to its close. The effect of this was apparent in his countenance and bearing, as is shown by the engraving prefixed to this article, copied from a photograph taken only two years before his death and representing him very accurately as he was at that time. His liveliness of disposition was exhibited in his writings; and a gentleman whom he had never seen, but with whom he carried on an extended correspondence, relative to historical researches of interest to them both, expressed great surprise on learning from an obituary notice the advanced age of his correspondent. From his letters, he had supposed Mr. Bourne a young or middle-aged man.

In June, 1866, Judge Bourne was elected a member of the New England Historic, Genealogical Society, and accepted August 1, 1866. He was also one of the Trustees of Bowdoin College, from which institution he received the degree of doctor of laws in 1872.

Judge Bourne was married Feb. 16, 1853, to Mrs. Susan H. Lord (née Hatch), widow of Capt. Tobias Lord, of Kennebunk. This lady survives. There has been no issue of this marriage, but it proved a peculiarly happy one, as Mrs. Bourne sympathized with all the feelings and opinions of her husband, and

shared his genial, hospitable disposition, to such an extent, indeed, that, in transmitting the testimonial before spoken of, the committee of the bar felt it their duty, and a pleasure, to express their obligation for courtesies received at her hands as well as those of Mr. Bourne. It was the deep interest that Mr. Bourne felt in every subject to which he thought it worth while to give any attention at all, as well as that conscientious discharge of every official duty, which characterized him from early life, that led to his being usually designated to important positions in those associations of which he became a member, from the time he presided over his literary society (the Athenæan) in college and after graduation, and over the Sunday-school, till he was chosen President of the Maine Historical Society.

The common expression, "he will be missed," has a peculiar signification when applied to Judge Bourne. Not only as the historian, the judge, the safe and prudent counsellor, shall we miss him, but as the bright, cheerful christian gentleman. Perhaps it was this quality, more than any other, that particularly endeared him to his friends. His cheerfulness under all the dispensations of the Heavenly Father (and he was called to endure severe afflictions in the removal of all, save one, of his immediate family, to whom he was tenderly attached) was remarkable. It was a cheerfulness founded on full faith in Divine Providence; a faith which rendered the blessings of life more joyous, while it sent a bright gleam through the deepest affliction. *It did not fail him at the last.* Contrary to the expectations of himself and of his friends (who had supposed a sudden death probable), he was, for the last three or four weeks, a great sufferer. He was obliged to sit in his chair most of the time, day and night, and could get but little sleep. His disease was of such a nature that some effort was required for respira-

tion, and when for a moment he was overpowered by sleep, and, losing consciousness, ceased to make the unusual effort requisite, he was immediately awakened by the most excruciating pain, which he could only describe as "running all through him," probably caused by partial strangulation. Yet, when he was permitted to enjoy temporary relief, he was inclined to talk, and conversed with his friends in his old cheery way, seldom alluding to himself or his sufferings, but showing the same interest as formerly in others, their pursuits and enjoyments. He kept up his participation in spirit in whatever interested the community. Only a day or two before his death, he reminded his pastor that the one hundredth anniversary of the occupancy of the old church, in which he had so long worshipped, would occur on the second Sabbath of next January (1874). He thought there should be some commemoration of the event, and remarked that he had contemplated preparing an appropriate address for the occasion. He referred his pastor to some minutes of facts in his possession, compiled for that purpose, and requested him to prepare the address. Judge Bourne seldom spoke of his religious feelings, even to his most intimate friends. It was a sacred subject to him; too sacred to be talked about on ordinary occasions. In his last hours, when suffering intensely, and when he knew he could live but a few hours at most, he several times expressed the wish that he might soon be released, but as to the untried scenes upon which he was conscious he was about to enter, he said but little. He felt no apprehension. He merely said to a clerical friend, with whom he had lived on terms of great intimacy for many years: "I have no anxiety about the future."

"His was a faith sublime and sure."

It is very seldom, indeed, that the name of any citizen is so closely and thoroughly identified with every interest—civil and

military, religious, moral, social, commercial, business and personal—of the community in which he lives, as Judge Bourne's has been for the last half century with those of the town of Kennebunk, where he spent a life useful and happy to its close, without reproach, and where his death is universally lamented.

Within the past ten years the shafts of death have fallen fast and thick among those who had long been known as conspicuous in the business pursuits, and highly esteemed and beloved in the social circles of this people. Even while this article is preparing for the press, another such gentleman, long associated with Judge Bourne in the affairs of the church and in commercial and social interests, greatly respected and beloved for his kindly bearing and benevolent heart—Mr. William Lord—has been removed from any further participation in our joys, and sorrows, and cares.

*“Nam nox nulla diem, neque noctem aurora secuta est,
Quæ non audierit mistos vagitibus ægris,
Ploratus, mortis comites, et funeris atri.”*

MEMOIR OF
HON. ETHER SHEPLEY, LL.D.

BY HON. ISRAEL WASHBURN, JR., LL.D.

READ BEFORE THE MAINE HISTORICAL SOCIETY AT PORTLAND,
MARCH 14, 1878.

In view of the long and useful life, the important services, the pure and elevated character of Chief Justice Shepley, it will be no injustice to any of his contemporaries to say that, in his decease, Maine parted with its foremost citizen.

When such a man leaves us, it is due not merely to the conventional usage of this Society (if he has been a member of it), but also to a just regard for those who remain after he is gone, to the interests of truth, of virtue, of good morals and religious faith, that some notice of his life and work, some estimate of his character and of his contributions to the good of his fellow men, to society and the State, should be preserved. For there are no lessons that take a stronger hold on the minds of men, and especially of young men, that do more in the way of directing their aspirations and shaping their distinctive lines of character,

than those furnished by the lives and achievements of the eminent and the good, among whom, or within the range of whose influence, they have lived.

The voice which should have performed the duty upon which I enter with unfeigned diffidence is now silent. The eminent citizen, the just magistrate, the accomplished jurist, the genial companion and the true friend, to whom this service would have most properly come, sleeps in the grave which holds the dust of EDWARD KENT. For, after the death of Judge Shepley, a few months only of time were allotted to his esteemed and honored friend and unquestioned successor in the primacy of our State worthies.

Of the original members of this Society who continued to reside in the State, Judge Shepley was the last, and his only survivor living elsewhere, was the Hon. Peleg Sprague, of Boston.

The Maine Historical Society was incorporated February 5, 1822, and was organized April 11th of the same year. It included, among its forty-nine associates, names which would alone keep that of the State respectable for many generations. I need mention only such as Edward Payson and Ichabod Nichols, in theology; Prentiss Mellen, Benjamin Orr and Ashur Ware, in law; William King, John Holmes, Albion K. Parris and Enoch Lincoln, in politics; Benjamin Vaughan (at one time a member of the British Parliament) and Robert Hallowell Gardiner, in literature and general culture; and scarcely, if at all, below the highest of these names, were those of the two latest surviving members. Mr. Sprague was for many years a resident of Hallowell, in this State. He was for three terms a Representative in Congress from the Kennebec District, a Senator of the United States for nearly six years, and was, in 1834, a candidate of the Whig party for Governor. Soon after

this date, he removed to Boston, and was, within a few years, appointed Judge of the District Court of the United States for the District of Massachusetts; an office in which he acquired a splendid and an enduring reputation.

Judge Shepley's last attendance at a meeting of the Society, was in Portland, in February, 1875. It was a most impressive scene, and one that will not soon be forgotten by any one who was present. As he came into the room the President rose, and, interrupting the order of proceedings, said that we had with us the only member, now living, of the Maine Historical Society at the time of its organization, and that the members present would be happy to have an address from their venerable and distinguished associate. The entire assembly rose and remained standing while Judge Shepley made a short and most interesting address. He spoke of the separation of Maine from Massachusetts, and said that those who had toiled and striven to bring Maine into life as a State, became greatly attached to her as a child of their own; that after she had an established government, they became desirous to know her better, and to be more thoroughly informed of what she was capable of doing, and for this purpose, and to be more fully instructed in her past history, to have a better knowledge of all that had been done within her borders, this Society was formed. He congratulated the Society on its past success, present prosperity and prospective usefulness, and closed by saying, "May the Society, with the Divine blessing upon its members and their labors, long continue to be increased with prosperity, success, usefulness and honor."

At a subsequent stage of the meeting, Judge George F. Shepley corrected the error into which the President had fallen, in speaking of his father as the last survivor of the original members, and offered the following resolution:

“Resolved, That the Maine Historical Society, now in session, sends its most respectful greeting to the Honorable Peleg Sprague, one of its distinguished founders, and one of the two surviving corporators of the Society.”

The resolution was adopted unanimously, and a copy was ordered to be communicated by telegraph to Judge Sprague. By the death of Judge Shepley, Judge Sprague became, as has been seen, the only surviving member of the Society, as originally constituted. He lives in Boston and has reached the advanced age of eighty-five years.*

Ether Shepley was born in Groton, Massachusetts, November 2, 1789, and was the second son of John Shepley and Mary (Gibson) Thurlow. Mrs. Shepley was a daughter of Deacon Gibson, of Stowe, and widow of Capt. Thurlow, of the Revolutionary army. The family from which Judge Shepley descended, was established for several centuries in Yorkshire, England. As early as 1316, there appears a record in which John de Shepley (John seems to have been a favorite name in the family), signed a certificate as “Lord of the township of Shepley, in the County of York.” The earliest appearance of the family in America, was at Salem, Massachusetts, about the year 1637. As early as 1700, the name of John Sheple is found at Groton, and from him Judge Shepley was a descendant in the sixth degree. It seems to have been one of those sturdy families from which so much that is most vigorous and best in New England life has proceeded. Its history shows that for many generations the Shepleys of Groton, were prominent men, and, in the quaint language of the times, “much used by the town.” Of the father of Judge Shepley, Mr. Willis, in his “Lawyers of Maine,” writes, “He was an orderly sergeant and clerk of a

*Judge Sprague died in Boston, Oct. 13, 1880, aged 87 years.

company in the Revolution; he held several town offices in Groton, was a farmer, fond of reading, and a man of general information." The fact that he gave two of his sons a collegiate education, goes far in support of the character ascribed to him by Mr. Willis.

John, the eldest son, who lived in Saco for many years, is well remembered by the older members of the bar of this State, as a walking dictionary of the law, for he was, perhaps, the most widely informed counsellor at this bar, in respect to the law as interpreted and declared in the reports of cases heard and decided by the courts. He was educated at Harvard, and before coming to Maine (in 1825) practiced law in Rutland and Fitchburgh, Massachusetts. While a citizen of Massachusetts, he was a member of the Senate of that State, and of the convention held for amending its Constitution. In this State he was, for many years, in partnership with his brother Ether, and for eleven years (between 1836 and 1849) was Reporter of the Decisions of the Supreme Judicial Court. He died in 1858, leaving two daughters and one son.

Depending largely, as I must, for details concerning the life of Judge Shepley, upon the labors of the industrious and accurate historian of the Maine Bar, the late Hon. William Willis, I should but mar the record were I to continue my sketch of the leading incidents of his life in other than his own words:

"Mr. Shepley received his elementary education at Groton Academy, under the instruction of Caleb Butler. Thence he proceeded to Dartmouth College, from which he took his degree in 1811. Among his classmates were Prof. Nathaniel H. Carter, Bezaleel Cushman and Nathaniel Wright, who were all instructors in Portland, after leaving college; Mr. Cushman, for thirty years, having had charge of the Academy; Dr. William Cogswell; Daniel Poor, the celebrated missionary; Prof. Parker, of the Law

School at Harvard; and Amos Kendall, Postmaster General under President Jackson.

“On leaving college, Mr. Shepley entered the office of Dudley Hubbard, in South Berwick, where he remained two years, under very favorable circumstances. The large collection business of Mr. Hubbard was suffering for want of attention. Mr. Shepley took serious hold of it, and by his activity and intelligence, revived it, and left it in a favorable condition. He was urged by Mr. Hubbard to continue his services, but he preferred a change, and successively read in the offices of Zabdiel B. Adams, in Worcester County, and Solomon Strong, in Hampshire. On being admitted to the bar, he came immediately to Saco, where he commenced practice in July, 1814. With the experience he had gathered, and the habits of business he had acquired, he was more than usually advanced over young practitioners in the knowledge of his profession and in the use of its machinery; and early entered upon a successful and useful practice which his industry, close application and practical ability made secure, and gave to him a prominent place in the community in the midst of which he resided.

“In 1819, the subject of the separation from Massachusetts was earnestly discussed in this State, and Mr. Shepley zealously entered into it; he was elected to represent Saco that year in the General Court, and the same year was chosen a member of the convention which formed the Constitution of Maine. In February, 1821, he was appointed United States Attorney for the District of Maine, as successor to William P. Preble, who was placed on the bench of the Supreme Court of the State. This office he held until his election as one of the Senators in Congress from Maine, in 1833. The duties of that office, in connection with his very extensive practice, he discharged with great promptness and fidelity, of which no better evidence can be adduced than the length of time he was permitted to retain it—through the four closing years of Mr. Monroe’s administration, the whole of Mr. Adams’s and four years into General Jackson’s, and left it at last only for a more ex-

alted station. In 1833, he was elected to the Senate of the United States, as successor to John Holmes. In this body he sustained the administration of General Jackson, by his votes and his voice. On the great and exciting question of removing the deposits from the United States Bank, he made two earnest and able speeches in January, 1834, vindicating the course and policy of the President. In one of these he paid a glowing eulogium to his classmate, Amos Kendall, who was then the agent of the government, in relation to these deposits.

“But the office of Senator, however favorable and agreeable, the good opinion entertained by the government of Maine of his legal ability did not permit him long to retain; for in September, 1836, a vacancy having occurred on the bench of the Supreme Court, by the resignation of Judge Parris, who had been appointed second comptroller of the treasury, he was immediately appointed to that place. It was apparent, from the studies and habits of Judge Shepley, that the quiet pursuits of professional duties, and especially in their highest forms as an expositor of the law, were more suited to his tastes than the turmoil of politics. As a judge, both at *nisi prius* and in the law department, his ability, his industry and integrity fully justified the partiality and good judgment of the administration of Governor Dunlap, by which the appointment was made. In 1848, he was appointed Chief Justice, as successor to Chief Justice Whitman, with the general concurrence of the bar and public sentiment. His long experience as a jurist and a judge, and the fidelity and legal acumen which he had displayed in his long judicial service, placed him prominently before the public as a fit successor to the eminent judge who had preceded him. He continued in this high office until the Autumn of 1855, when his constitutional term of seven years having expired, he retired from the Bench, his ermine unsullied, and closed his long judicial life. No judge more faithfully or more promptly discharged the duties of the Bench than Judge Shepley; and the ability which characterized his judicial career is amply illustrated

in the twenty-seven volumes of the Maine Reports, from the fourteenth to the fortieth, inclusive. His opinions are drawn with clearness, directness and force, and no one can mistake the point which he endeavors to establish.

“That Judge Shepley was devoted to his professional and judicial life, and clung with strong attachment to his domestic joys, we can have no better proof than the firmness with which he resisted the allurements held out to him to accept positions under the general government. * *

“The last public office Judge Shepley was called to perform was that of sole Commissioner to revise the public laws, to which he was appointed by resolve of April 1, 1856, and, notwithstanding the injudicious instruction to complete and cause his report to be printed on or before the fifteenth of November following, he accomplished the almost herculean task, and prepared a very full index of the whole body of the public statutes, which constitutes what is now cited as the ‘Revised Statutes of Maine,’ published in 1857.”

The reference by Mr. Willis to Judge Shepley’s unwillingness to leave the bench in Maine to receive federal appointments, is sustained by many letters which he received from persons in authority, among which is one from Silas Wright, the great New York Senator, upon whose broad shoulders the administration of Mr. Van Buren so largely rested—in which, after the retirement, in 1838, of Mr. Butler from the office of Attorney General of the United States, the acceptance of that office by Judge Shepley was suggested in terms which plainly implied that it would be gratifying to the President. Not only did Judge Shepley decline these federal honors, but it is known that he did, also, that of the Governorship of Maine, for which the leaders of his party, at a time when they felt the necessity of bringing forward their strongest man, asked him to

consent to be nominated. But his disinclination to hold political office, and a fixed sense of the impropriety of Judges allowing themselves to enter the domain of active party politics, furnished, to his mind, convincing reasons why he ought not to be a candidate.

A change, not for the better, it may be feared, has come over the spirit of the times; Senators in Congress are no longer in the habit of resigning that office for a seat on the bench of a State Court, and Judges seldom refuse to be tempted by a place so exalted as that of the first law officer of the Federal Government.

But no sketch of Judge Shepley can be satisfactory or complete which does not have emphatic reference to his religious character and life; and, in giving some account of these, it is an inestimable privilege to be able to draw from the observation and knowledge of one so well able to form a true and intelligent judgment, as the learned and esteemed pastor of Judge Shepley, during his latest years. From the sermon of the Rev. Edward Y. Hincks, pastor of the State Street Congregationalist Church in Portland, preached in that church, January 21, 1877, upon the life and character of Judge Shepley, I make the following extracts:

“But the life of Chief Justice Shepley rose to its highest usefulness in the service which he rendered to the church of Christ. He was an eminent member of a class of laymen who, during the past generation, adorned the Congregational churches of New England; men of high station and eminent ability, who laid their gifts in humble devotion at their Master's feet. The fragrance of their piety was not more grateful to their Saviour than that of other disciples, because of the alabaster box in which it was enclosed, but that costly vessel gave their fellow men a better appreciation of its value. Their high endowments may not have given their service

in their Redeemer's cause a more exalted character than that rendered by believers whose gifts were humbler, but they certainly made it more efficient. To the efficiency and the conspicuous value of the services of this disciple we can all bear witness.

"He had no visionary conception of religion. He knew that the principles of the Gospel must prevail, if at all, by finding embodiment in an organization, and working through it for the overthrow of the Kingdom of Evil and establishment of that of Christ. And as he had consecrated his gifts to his Master, he freely gave them to the promotion of his Master's cause. From the day of his public profession, he was a zealous and efficient member of the church."

* * * * *

"The devotion of this disciple to his Master's cause, was not shown merely by the interest which he took in the church of which he was a member. It went farther. Realizing that Christ's Kingdom is world-embracing, consecration to the advancement of that Kingdom, meant to him consecration to its advancement through the earth. He was a zealous supporter of foreign and home missions; a cordial friend and active assistant of the Christian educational institutions of his own State. The temperance reform found in him a prompt and efficient advocate. The leading benevolent societies of the church received his generous and cordial support.

"So this eminent citizen and faithful Christian, patiently, earnestly and humbly served his Master. The routine work of the church might seem too trivial to demand the attention of others, but he never grudged it his time or strength. He showed the sincerity of his consecration by the thoroughness of his service, and so made us able to anticipate that approving voice which ere this has caused his soul to thrill, 'Well done good and faithful servant.'"

* * * * *

"Corresponding to his strong hatred of moral evil, was an intense love of the divine righteousness. It was a glorious thing to this

man of vigorous moral nature that the beneficent and holy will of God prevailed.

"He loved the divine character because it was inherently good and right; and he desired that its goodness and righteousness should find expression in this moral system which God has created.

"Before the righteous will of the Almighty he bowed in absolute submission.

"He had the passionate love of righteousness, which was the noblest element in the Puritan character, a love so absorbing as to swallow up self-interest, and make the whole soul a free offering to the majesty of eternal law. There is something noble in a patriot's love of country; there is something august in a philanthropist's love of humanity; but there is something grander and nobler in such a Christian's supreme and forgetful love of that divine law which is the source of all virtue and all purity; it is the voice of redeemed humanity, echoing the seraphic cry, 'Holy, holy, holy, Lord God Almighty.'

"But while we see in this character some of the nobler elements which mark the Puritan, it is free from some defects which we are accustomed to associate with that type of Christian manhood.

"The acerbity and asceticism which we think we find in our New England fathers, are not discoverable here. The inflexible principle of this servant of God was made winning by the sweetness of his feeling and the gentleness of his manner. He was tender and lovable in the home circle, modest and amiable in social life, child-like and humble in the church of God. He loved young people and drew them to him by his kindness. He joyfully welcomed young disciples to the church. He strengthened his young pastor in the uncertainty and weakness of an opening ministry, by words of cheer which will sound in that pastor's heart until his ministry shall close."

Judge Shepley took a lively and intelligent interest in the cause of education, and was an earnest and practical friend of

Bowdoin College. He was for more than thirty-seven years a member of the Board of Trustees of the College. He was also an active and useful member of the Portland Natural History Society, and its first President; an office which he held by successive elections from 1843 to 1848.

Two years after Mr. Shepley settled in Saco, he married Anna Foster, who was born in Hanover, N. H., September 17, 1790. To this union, which continued in unbroken harmony and affection until the death of Mrs. Shepley, April 1, 1868, five children, all sons, and of whom three survive, were born: John R., a graduate of Bowdoin College, class of 1837, for many years a prominent and successful lawyer in St. Louis; George F.,* a graduate of Dartmouth College in the same year, the learned and popular Judge of the Circuit Court of the United States for the New England Circuit; and Leonard D.,* a merchant in Portland.

Chief Justice Shepley died at the residence of his son, Judge George F. Shepley, in Portland, on the fifteenth day of January, 1877. Some ten days before this time he fell, while passing from one room to another, and fractured one of his hips. Owing to his great age and infirm health, he was unable to rally. He was buried from his son's house, which had been his own residence for more than forty years, on the eighteenth of January. The funeral services, which were appropriate and impressive, were conducted by his pastor, the Rev. Mr. Hincks, and were attended by the Judges and officers of the United States and State Courts, by the Cumberland Bar, the Cumberland Medical Association, pastors of the various churches in the city, the President and officers of the Board of Trade, the Mayor and officers of the City Government, and a large number

*Deceased since this paper was read.

of citizens. The Judge's favorite hymn, "Asleep in Jesus," was sung by the State Street Church choir.

The remains of Judge Shepley were interred in Evergreen Cemetery.

On the subsequent Sunday, the sermon by Rev. Mr. Hincks, from which liberal extracts have been made in this sketch, was preached before a large congregation in the State Street Church.

On the eleventh day of April following, the Supreme Court being in session in Portland, resolutions in honor of Chief Justice Shepley, which had been adopted by the Bar of Cumberland County, were read to the Court—Judge Barrows presiding—by the Honorable Bion Bradbury, President of the Bar Association. The resolutions, which were just, discriminating and eloquent, closed by saying :

"He will live long in the memory of his brethren, and more permanently in the recorded legal judgments which have stamped his name indelibly upon our judicial records."

These resolutions were spoken to by Judge Howard, the Nestor of the Bar, and the most loved and esteemed, perhaps, of all its members, whose recent death cast a gloom over the city of his adoption, such only as accompanies the departure of one whose whole life has been sunny and helpful. For seven years he had been associated with Chief Justice Shepley on the Bench, and had known him intimately for more than half a century. He spoke of him as a man and a citizen, and as a lawyer; of his cogency, clearness and power as an advocate; of his admirable example as a Judge, refusing to have anything to do with party politics, going so far as to decline to vote at purely political elections, and refusing to give recommendations for political office, even in behalf of his best friends, so careful was he to keep himself above the appearance or suspicion of bias or prejudice. He said :

"His independence and impartiality were always refreshing. Parties before his tribunal were but the representatives of principles. There the Grecian and the Scythian were alike to him, and there the rights of contestants were never imperiled by preference, prejudice or chance. His decisions will stand the severest judicial tests, and it is believed, that time will but deepen the paths bravely marked out by him in the advancement of jurisprudence."

Judge Barrows, in responding to the resolutions, said :

"Were I to attempt here and now to delineate his character as a Judge, or to tell how he filled and adorned the position he held so long, I should encounter the same difficulty to which Pericles refers in his oration on the soldiers who fell in the first year of the Peloponnesian War, where he says, in substance, 'I have always thought it a thing both difficult and superfluous to praise, in words, those who are already exalted by their deeds.'"

It may assist to a better appreciation of Chief Justice Shepley, if, prefacing the observations which I desire to make concerning him in the threefold relations of statesman, judge and citizen, some notice be taken of a quality or characteristic by which I have always thought he was especially distinguished ; this was loyalty to his intellectual perceptions—a loyalty quickened and guided by an active moral sensibility. He was, above most men that I have known, intellectually clear, direct and uncompromising ; and so he was frank, positive, and, when there was occasion, courageous, in his opinions and positions. His judgments of men and things were formed by him by processes of induction and verification which knew neither obstruction nor oscillation. Of course he became known as a man of positive opinions. He was so because they were his own, reached by steps every one of which he had felt out and measured. He shrank as at a crime, from the idea of doing wrong to his convictions, dreading such a thought as if it were something akin

to the sin that is of all sins the least pardonable. He had no moral right to hide the truth as he had received it, to suppress what had been verified to his understanding in a way to remove doubt and establish conviction.

The men of this make and fibre are those who are most perceptibly and permanently felt in our concrete public and private life; who mould and make opinion; whose influence is positive and enduring; and who take the highest rank in the practical leadership of men. There are men, I know, who are often and loosely praised for their breadth, wisdom and liberality. They are not unfrequently looked upon as models; as types of successful men. But, in my judgment, they are oftener—perhaps unconsciously, but none the less certainly—impostors. They have no firm convictions, no deep intuitions, and therefore hold nothing with strong grip. They are hospitable to all opinions, for the reason that they are really persuaded by none. They can step from party to party, from church to church, from creed to creed, without an effort or a pang. It costs them nothing to change their associations and affiliations, for to their negative natures strong attachments are impossible. All causes, all opinions, all parties, they say, have in them much that is true and good, unless, indeed, it be those which they profess to uphold or belong to. They fear to say as much of these, lest they be thought partial and one-sided.

Mr. Shepley took his seat in the Senate of the United States in 1833. It was a time of great party excitement and bitterness. Mr. Clay had been defeated for the Presidency the year before. General Jackson was in the White House, and the Jackson, or Democratic party, held full sway everywhere, except in the Senate, where the National Republicans, or Whigs, as they came to be called the next year, in connection with the followers of Mr. Calhoun—who had become one of the most pro-

nounced opponents of the administration—had a majority, and this majority was composed of such men as had never before been seen in that body, since its organization. Among them were Mr. Clay, Mr. Webster, Mr. Calhoun, Mr. Clayton, Mr. Rives, Mr. Southard, Mr. Crittenden, Mr. Sprague, Mr. Ewing and Mr. Mangum. Of the Democratic leaders may be mentioned Col. Benton, Mr. Silas Wright, Mr. Buchanan, Mr. Woodbury, Mr. Felix Grundy and Mr. Robert J. Walker, able, and some of them great men, but, as a whole, quite unequal in debate to the great Whig leaders. In this state of things, the accession of a Senator to the Democratic side, who brought with him a reputation for first-class ability, such as Mr. Shepley had won, was hailed by the minority as an event of no small interest and promise. Nor were their hopes destined to disappointment. In the new Senator they found a Democrat of the strictest sect, a man who believed in the uses and functions of party, and of the merit that attached to an intelligent allegiance to party, and who was prepared to do manful battle for it when necessity or occasion required such service. But when this has been said, it must be added that Senator Shepley never permitted his action to be controlled by his party ties in opposition to his real convictions; and, although no man was a stauncher party man, in the best sense of that term, or was inclined to do less to embarrass his political friends, the intellectual veracity, of which I have spoken, refused to be divorced from whatever was clearly vouched by his moral sense. He had no taste for the rough and tumble, and the personalities of debate, as they were allowed, and too frequently encouraged in those days, in both Houses of Congress. His clear and logical mind would be satisfied only with the orderly marshaling of facts, and the sober and severe processes of dialectics. He participated but seldom in the general debates, and only spoke at any consider-

able length, on important and pressing questions. But on these occasions he spoke with such lucidity and force as to make a marked impression on the debate; and at some times in such manner as to leave the question to be seen in a different light from that in which it had been viewed before.

At the time of Mr. Shepley's entering the Senate, the country was distracted—it would scarcely be too much to say, convulsed—by the action of President Jackson in ordering the removal of the government deposits from the Bank of the United States, where they had been long kept, to certain selected, or, as they were termed, “Pet” Banks of the States. The act was held by Messrs. Clay, Webster, Calhoun, and their friends, as arbitrary and illegal, especially under the circumstances of its execution.

Samuel D. Ingham, of Pennsylvania, was Secretary of the Treasury; and, believing that the deposits could not properly be removed by a Presidential mandate, against the judgment of the Secretary, declined to give the necessary official order; but President Jackson was not to be balked in this way, and so he summarily removed Mr. Ingham from his Secretaryship, and called to that office Roger B. Taney, his Attorney General (afterwards Chief Justice of the United States), by whom the removal was immediately effected. This act was vehemently condemned, for that by it the President had, it was said, practically assumed to be himself the Secretary of the Treasury, although the duties of that position had been prescribed by law and assigned to the person holding the office of Secretary, who had taken an oath to perform them faithfully, and who was therefore placed beyond the mere *sic volo, sic jubeo*, of the President.

It was into the midst of this debate, the ablest and most exciting, perhaps, that ever took place in that body, that Mr. Shepley came, almost directly from his constituents, to partici-

pate, and to which he contributed a speech, which, for calmness and power, for an intelligible separation of the vital from the unimportant and irrelevant, and for exposing the true issues in a light which, to say the least, did not "dazzle to blind," may be read, even at this day, with pleasure, for its exhibition of these prime qualities of a senatorial speech, if not with entire conviction of the strength of the positions attempted to be maintained. This speech, which was commenced on the fourteenth of January, 1834, was continued through so much of three days as was allotted to the question. As furnishing an example of Mr. Shepley's style as a speaker, and of the manner in which he met the charge that the President had been guilty of usurpation of power, I will make a short quotation from his speech. Said he :

"Sir, I have one word more before I pass from this branch of the subject. There can be no such irresponsible power, and therefore the whole argument, with its epithets and reproaches of the assumption of power, is all gone if this is the true construction of the Constitution. It is provided in the Constitution that the executive 'shall take care that the laws be faithfully executed.' What does this power imply ? The Senator from Kentucky does not regard it as granting the power which I consider that it does grant. I regard it as a grant of power to the President to examine into the manner in which the laws are executed. How can the executive take care that the laws be faithfully executed without an examination into, and a decision upon the manner of executing ? Can he take care how they are executed, and yet not look into the mode and manner in which they are carried into effect ? Sir, he must look into the mode and manner of their execution, otherwise he cannot tell whether they are executed or not. Sir, the Constitution not only gives him the power to look into the mode and manner, but further, it imposes it upon him as a solemn duty—he shall look into the manner in which the laws are executed.

To omit an inquiry of the manner in which an officer performs his duty, is to omit to perform his own duty, to which the Constitution, as well as his oath, enjoins and binds him. When the President shall forbear to examine the manner and circumstances of the conduct of a subordinate officer, he can no longer put his hand on his heart and declare that he has conformed to his oath to see that the laws are faithfully executed. All officers may go on and disregard their duties; they may omit all, and the President has no power to examine into their conduct and to enforce obedience; the whole government is divided in its responsibility; the officers are let loose to follow their own judgment, without either guide or control; the President cannot remove them, and there is no remedy."

Granting the premises assumed by the speaker, and that they are unaffected by their relation to the whole case, but which many men, I imagine, would decline to do, his line of reasoning is clean-cut and his conclusion irresistible.

It was in this speech that Senator Shepley made his well known eulogium on Amos Kendall, the most feared and the best abused man of his party, the "chief cook" of General Jackson's "Kitchen Cabinet," and inventor of countless machines of wickedness. I frankly confess to my boyish prejudices against this embodiment of political depravity, and how easily they were dissipated when, several years later, it was my good fortune to be a not unfrequent visitor at Mr. Kendall's hospitable seat at "Kendall Green," near Washington, and to find there a bland, cordial, white-headed gentleman, the personification of serenity and cheerfulness.

I am inclined to think that the most cogent and thoroughly conclusive speech made by Mr. Shepley, while in the Senate, was on the French Spoliation bill. The question was admirably suited to his learning and method of treatment. It was

mainly a legal question. The claim by American citizens, against the government, for spoliation by the French, prior to A. D. 1800, has been often considered in Congress. A bill for paying it has twice passed both Houses, and failed each time to become a law, by reason of an executive veto, has passed one or the other of the Houses not less than a dozen times, has been favorably reported on by twice that number of committees, has never received an adverse report from a committee, and yet has never become a law! The question is in a nut-shell. France made spoliation upon American commerce prior to the year 1800. She admitted it and was ready to make indemnity. But the United States was under onerous treaty obligations to France, in consequence of the provisions of two conventions made February 6th and 7th, 1778, obligations which might, and almost certainly would, involve the former in the wars of France, and which this country was most anxious to escape from. And she did escape from them, but only by engaging with France to make indemnity herself, to the citizens of the United States for the losses which they had suffered from the French. *Our government pocketed the consideration and repudiated the debt*—a meanness and dishonesty, unsurpassed in the undisputed history of any other civilized nation. The obligation of the United States to pay these claims has been maintained in speeches and reports by Daniel Webster, Edward Everett, Caleb Cushing, Henry Clay, John M. Clayton, and many other eminent men, including the President of this Society, but by none, I think, quite so compactly and conclusively, as by Mr. Shepley in a speech in the Senate, on the twenty-second of December, 1834, which he closed as follows:

“Compensation has been secured by treaty for all, or nearly all, the injuries which our citizens have suffered from other nations. Can the high character of this nation for doing justice to all, at

home and abroad, be maintained without making compensation for these injuries, which have been the consideration of procuring for her a discharge from very onerous obligations? If the bill may pass, the only great claim remaining may be satisfied, and the duties of the government, to do justice to all, will have been fulfilled. If these claims are just, all fear of evil consequences to arise from their allowance may be dismissed. *Things are rightly so ordered here, that to do justice to all others is to serve ourselves best.*"

It were well if these words of gold, with which the extract closes, could never be forgotten.

The only purely political speech made by Mr. Shepley while in the Senate, was, I think, the last one which he made during his membership of that body. It was delivered February 18, 1836. Referring to some complaints by Mr. Calhoun, of the press, as corrupt and abusive, he said :

"It is true that along the political highway we do find the political slain; they remain as memorials of the past, and as warnings for the future; but these were never slain by the slanders and abuse of a corrupt press. Nor is it in the power of the press, whether corrupt or pure, to destroy any man by general abuse or general denunciation. All our past history teaches us, that among all the numbers who have been politically destroyed, not one has been so destroyed by general denunciations of the press, or by like denunciations delivered either in legislative halls, or in public assemblies of the people. They have been destroyed by their own acknowledged sayings and doings."

I am inclined to make another extract from this speech, for the reason that it shows, I think, that Mr. Shepley was getting tired of the Senate, and would not be likely to refuse a position, should it be tendered him, so much more in harmony with his tastes, as that of Judge of the highest Court of his State; and

also, because it furnishes evidence that there was in the Senator a vein of humor, such as, until I fell upon this speech, I had not supposed him to possess.

“Some occurrences here, he had noticed, seemed to amaze and excite the gentleman from New Jersey (Mr. WALL), and if it would not be unacceptable to him (Mr. W. assented) he would endeavor to explain them. He supposed the Senator might have read the Constitution, and have there learnt the duties of the Senate; there he might have learned that the Senate was a grave, deliberative assembly, a legislative body; that it also partook of the power of the executive, and appeared as a great council in important matters concerning the nation; that it also partook of the judicial power, and might be a high and dignified tribunal, bringing before it for trial the highest officers in the country; so viewing it, he would regard it as sober, grave, deliberate, dignified.

“But there was one portion of its practical duties that he might have overlooked; it was the part in which we were engaged five days out of six, or it may be four days out of five. It was only about one out of four or five days that we were engaged in our constitutional duties, and on the other days we were employed as a grand electioneering central committee; and it was this part of our duties which the Senator from New Jersey seemed to have overlooked; not finding it in the Constitution, it might not have occurred to him, and might have occasioned some surprise upon his first appearance in the Senate. And if that Senate would further indulge him, he would proceed to inform him, when in that grand Committee of the Whole on political affairs, how political parts, were apportioned out.”

Mr. Shepley then proceeds to indicate, with great felicity and point, the several parts assigned to Senators Calhoun, Webster, Clay and others, and concluded by saying:

“In this grand electioneering committee, none of us are silent partners, and some of us do not like political work; and being of

this last number himself, had taken very little part in it before this time, and now proposed to leave it."

But the Senate was not the true theatre for Mr. Shepley's talents and tastes. He was, before all things and above all things, a lawyer. This he felt and knew; and when, in September, 1836, a vacancy on the Bench of the Supreme Judicial Court of this State occurred, by the resignation of Judge Parris, he did not hesitate long to accept the appointment, as his successor, which was tendered by Governor Dunlap.

Here commenced the best work and the highest usefulness of Mr. Shepley. Now he began to lay the foundations of a reputation than which none more solid and enduring illustrates the judicial annals of our State.

I have a distinct and vivid recollection of Judge Shepley's accession to the Bench. I had but recently come to the Bar, and was at an age when strong impressions are apt to be lasting; and I doubt whether the effect produced, at the time, upon my mind, by the advent of the new Judge—so able, so learned, so clear, so calm, so prompt, and so dignified did he seem—has been weakened in the lapse of the many years that have intervened. His first term of service was at Bangor. It commenced on the fourth Tuesday of October, 1836, and continued till late in December. This was just after the culmination of the great eastern land speculations, and the docket was crowded with cases. It had been increasing in size for several years, and there was a crying demand for a strong hand to reduce its bulk and secure to suitors, if not a speedy trial, a trial at *some* time. In the quaint language of Judge Emery, the docket needed to have "its back-bone broken"; and Judge Shepley was the man who was sent to break it, and who did break it. What fixed the more strongly upon my mind the impression made upon the Bar by Judge Shepley, was, perhaps, the fact that at this time

there came on for trial the first case in which it fell to me to appear in Court. I had the year before brought several suits in behalf of Boston merchants, in which the question of the partnership of the defendants was involved, and the action to be tried would probably be decisive of all. I had labored for weeks, and I dare say months, in preparing it for trial, and, as young lawyers sometimes do, laid myself out quite largely in the opening. The Judge was patient and attentive as if I had been one of the veterans of the Bar, and by some questions which I happened to be able to answer, gave me much encouragement and composure. The examination of witnesses had not proceeded far before the leading counsel, George Evans for the defendants, and Edward Kent for the plaintiffs, perceived that there was a power on the Bench, which, although gracious and courteous, was not to be trifled with, and that the facts were to be elicited only after the rules of law. Their closing arguments were long, ingenious and eloquent, but within thirty minutes after these arguments were finished, the cause had been given to the jury in a charge in which every legal point involved, as affected by the testimony, was presented in such manner that not even the dullest man on the panel could mistake the meaning of what had been said. The Bar of the County had been very generally interested in the case, from the eminence of the senior counsel and their curiosity in regard to the new judge. And when the charge was concluded there was a universal expression that a more perfect address, both in matter and manner, had never been given from the Bench of that Court, in Penobscot County. All parties and all counsel were anxious to have their cases tried before Judge Shepley, and during his protracted service on the Bench, the announcement that the next term was to be held by him never failed to be received by expressions of great satisfaction.

Though so impartial, even, and apparently impassive, during the progress of a trial, Judge Shepley did not fail to have quick and generally accurate perceptions of the real merits of the case, but he never allowed any sympathies to warp his administration of the law. He held rigidly that justice was to be found in a faithful adherence to legal principles and rules.

But there was no man who enjoyed more keenly than he the excitement of a sharply and ably conducted trial. He would watch the movements, the strategic maneuvers, the dashing onsets and the ingenious retreats of eminent lawyers, with a zest that could not be more intense and hearty. I well remember his description of a contest of this kind between two lawyers than whom Maine has never had superiors, George Evans, and Jonathan P. Rogers, then of Bangor, but afterwards of Boston. To the Judge, who saw clearly every feint and move by these matchless combatants, and understood their meaning, the struggle was simply glorious, and he delighted in giving a description of it, in all its details.

The essential kindness of Judge Shepley was illustrated in his courtesy to and patience with the young and inexperienced lawyers who appeared in his court, especially if he found them to be ingenuous and ambitious. Many a member of the Bar, says Judge Barrows, was indebted to him for not only kindly words of encouragement, but for grave words of admonition and reproof as kindly meant.

Upon the retirement of Chief Justice Shepley from the Bench in 1855, many expressions of respect for his character, and regret that his judicial career was closed, were made by the Bar and people of the State. Among the resolutions that were passed giving voice to these feelings, was the following, adopted by the Cumberland Bar, October 23, 1855 :

“Resolved, That we recognize with the liveliest sensibility the debt which we and the whole State owe to Chief Justice Shepley for his long-continued labors and services upon the Bench;—we bear testimony to the eminent learning and ability, the unbending integrity, and untiring and conscientious devotion to duty, with which he has discharged all the functions of his elevated and responsible station; and we look back with pride to his judicial career, marked by a dignity which ever commanded respect, and by a learning which ever justified confidence.”

In forming a just estimate of Chief Justice Shepley, as a citizen and a man, we shall do well to consider certain lessons which he wrote and left for his children; for they are the results of his long experience, observation and reflection, and contain the principles and embody the rules by which his own life was governed, and thus may be regarded as marking so truly the prominent lines of his own character as to leave it necessary for little more to be said.

1. Never forget that God rules, and that he does so in the least of the events of life, as well as in the affairs of nations.

2. Never forget that you have entered upon an endless life, and that it may be one of happiness or misery, as you comply with the terms of the gospel by repentance and faith in Christ, or refuse to do so.

3. Never despair of a reasonable share of success in life, and never expect it without a diligent attention to the means of obtaining it.

4. Do not rest upon anything for success but your own personal exertions.

5. Never grasp at a present success by any act that may obstruct you in your future progress.

6. Let not disappointment dishearten you. It will often prove to be more useful than success.

7. Never forget that truth, honesty and justice constitute the only foundation for a character on which men can safely rely for the performance of a private trust or a public duty. Every departure from this rule by a man or a party has a tendency, by its disastrous effects, to confirm it.

8. The indulgence of passion is a great obstacle to success; while a calm self-possession is an element of power.

9. The practice of temperance in all things lightens the burdens of life and tends to prolong it.

These precepts, enforced as they are by the character, example and success of the late Chief Justice, are worthy of being written in letters of light unfading and imperishable. They are a legacy to the young men of the country, of priceless value, if they will but accept and heed them.

After the labor of revising the Statutes of 1857 had been performed, Judge Shepley was at liberty to enter more fully than he had been able before, into the enjoyments of domestic life, of the society around him which was most congenial, and to give more of his time to contemplation and general reading. He was a wide but discriminating reader. Works on religion and theology had a special attraction for him, and books of philosophy, science, history and biography made a strong demand on his time and attention, as did also the best works of our great writers of fiction, which formed the delightful occupation of many hours during his latest years.

His familiarity with periodical literature, and especially with the newspapers, kept him abreast with the times, and thoroughly informed and interested in what was going on in the world about him. So, when the war of the rebellion broke out, it was seen that the fires of patriotism were alive and burning in the breast of this venerable statesman and jurist, and that all his hopes, prayers and sympathies were in harmony with those

of his friends and compatriots of other days,—Cass, Dickenson, Dix and others, who had never learned to interpret otherwise than in its plain, literal sense, General Jackson's immortal sentiment, "THE UNION, IT MUST BE PRESERVED." And so when upon the appointment of Colonel Shepley to the command of the 12th Regiment of Maine Volunteers, in the Autumn of 1861, one of the largest and most lucrative law offices in the State found itself in need of the oversight and direction of an able and experienced counsellor, the Ex-Chief Justice tendered his services to supply this want; and during the time—three or four years—that Colonel (afterward General) George F. Shepley was detained by the President in discharge of such duties and functions as pertained to his appointments as Military Governor of Louisiana, of Eastern Virginia, and as the first Military Governor of Richmond—he was prompt and patient in the performance of services which would have tasked the energy and endurance of much younger men.

But with the close of the war came relief from active work, to be succeeded all too soon by the death of the beloved companion of more than fifty happy years. Yet, in this affliction, the resources upon which a truly Christian gentleman may draw were not wanting to Chief Justice Shepley, as was seen in the resignation, the undoubting trust and the pleasant companionship which made him a comfort and delight to his family, a source of enjoyment to his friends, especially those of "the household of faith," and a benediction to the city upon whose streets his well-known form was a vision of contentment, serenity and peace. If, in the years in which his mind was much occupied by the cares and responsibilities of official duty, there was in his manner a sedateness bordering sometimes upon austerity, it was in manner only. He felt sensitively the weight that rested upon him, and was careful that in no way, through

him, should there be any abatement of respect for the high office, the upholding of which, in its integrity, purity and prestige, had been committed to his hands. But, it will be remembered with unfailing pleasure by his friends, how, when freed from the burdens of official station, and under the mellowing influences of time, and experience and meditation, during the score of years in which he remained to us, these harsher lines were worn away, leaving only a breadth of sympathy and catholicity, of charity of creed, party, social interests and aims, which spread over the closing scenes of his life a vesper light of exceeding softness and beauty.

Happy is the community to whose daily observation is granted an old age like this; it exalts and ennobles human life; it enlarges human promise; it encourages human faith; it opens and expands the human heart; it makes the whole world bright; it is at once an incentive and a solace, an education and a blessing.

MEMOIR OF
HON. GEORGE T. DAVIS.

BY HON. GEORGE F. TALBOT.

READ BEFORE THE MAINE HISTORICAL SOCIETY AT PORTLAND,
MARCH 14, 1878.

In no part of Maine, where my lifetime, a little longer than the whole period of the State's existence, has been passed, have I come in contact with that jealousy and resentment of Massachusetts, imputed to our people on a late public occasion, by a person only slightly conversant with our history. Reared in a community more intimately connected by business and social relations with Boston, than with either the political or commercial capital of our own State, I was connected with families that claimed kinship with the Puritans, and that had steadily resisted the separation as cutting them off from their share in the ancestral glories of the colonial and revolutionary periods of which they were proud. I was taught to honor and revere Massachusetts as the beneficent parent, from whom had been inherited those priceless institutions, the free church, the common schools and the town meeting. It was to her liberality and wise forethought, too,

that we owed the opportunities for academic and collegiate education, which enabled our foremost citizens, upon whom fell the conduct of public affairs, to acquit themselves of their responsibilities with honor to themselves, and with the respect and confidence of the people. The controversies, which during the last generation so bitterly affected our social and political life, divided the people of Maine, as they also did those of Massachusetts. In the new State, as was to have been expected in a community of working men who had their fortunes to make, the democratic sentiment obtained a numerical majority; but in the new, as well as in the old State, the men of property, high social standing and liberal culture, gravitated naturally to the conservative side. The political controversy that was rife when Maine was a *district*, continued after she became a *State*. It was a controversy between opinions, and to a certain extent between classes, but it never became a controversy between sections, such as we have witnessed between the North and the South, nor like that now beginning to show itself upon financial questions between the East and the West.

Nearly all the people of our own nationality, who settled Maine, were emigrants from Massachusetts, and when that old stock began to show rare qualities under the hardy training of our rough life, Massachusetts received back our sons with larger honor and more liberal bounty for their talents and genius, than our narrow circumstances could afford. We certainly can feel only gratitude for the distinction with which Massachusetts has received and honored natives of our own State, who, emigrating from us, have become eminent in the country and in the world, in literature, in politics and in jurisprudence.

Only rarely has she repaid us in kind, and when George T. Davis, in the fullness of his powers, came to Portland to pass the elegant leisure of his age, Massachusetts gave back to Maine

a token of acknowledgment of the debt she owed us for the genius of Longfellow and the statesmanship and integrity of Andrew.

It is a grateful and appropriate office for this Society, of which Mr. Davis was for several years an active and zealous member, to pay some tribute to his character and worth. Neither general history, nor family traditions, nor local annals had been his special study. In a liberal culture, embracing the most miscellaneous reading, and that made him an encyclopedia upon all points of minute knowledge in history and literature, it cannot be said that he had any special study. Men, dominated by an idea, sitting down persistently to develop a historical theory, a measure of public redress, or a scientific proposition, are very apt to lose both their self-possession and their personality. It seemed to be one of the canons of his conduct never to make himself disagreeable, even to the most fastidious and delicate sense. His rare powers of pleasing, due to a genial wit, and cultivated to the highest style by the most favorable social opportunities, prevented him from intruding his conviction or opinion upon any question in any provoking or belligerent way. So, if he brought not into this Society to enrich its annals, stores of minute historical lore, nor the pen nor tongue of a controversialist to sharpen its discussions, he brought what he brought into every circle, however select or casual, his genial manners, his large and liberal spirit, and a refined taste, that invited everybody coming under his influence to do and say only their best things.

In a life and character like that of Mr. Davis, there is very little that is striking, and nothing to arrest the popular attention. In a youth never cramped by poverty, nor affronted with the mean hardships and privations that try the spirits of men destined to a great career, there is very little to make a popular

or touching story. He passed by easy gradations from youth to age in the achievement of professional, political and social success, never conspicuous, but always adequate to a modest self-estimation and a rational ambition. Notwithstanding some severe and peculiar domestic sorrows, which his elastic spirit and sincere faith enabled him to bear without repining or depression, his life may be considered to have been, according to the standard of an average experience, a happy and successful one.

Mr. Davis was born in Sandwich, Mass., January 12, 1810. His father was Sheriff of his County, and his uncle was for many years Judge of the U. S. District Court of Massachusetts. He was graduated at the age of nineteen, at Harvard College, having among his classmates the late Chief Justice Bigelow, Dr. O. W. Holmes and Rev. James Freeman Clarke. Perhaps there has been no college class in this country, up to this time, more famous, unless it be that one graduated in our own State, whose fiftieth anniversary Mr. Longfellow's *Morituri Salutamus* so honorably celebrated. Not a little of this celebrity may be due to the strong class feeling those men of rare abilities have cherished toward each other, and to the poetic splendor in which the genius of Holmes has illuminated their names. Mr. Davis pursued the study of law at Cambridge, and commenced the practice of his profession at Greenfield, in Massachusetts, where he continued to reside until 1865, when he removed to our own State. Either during his college life or while studying law, he became intimately acquainted with Margaret Fuller, who was about his own age, and whose society and correspondence seem very powerfully to have affected his character. That intellectual and spiritual *renaissance* which affected the tendencies of thought throughout New England, under the name of *transcendentalism*, was already beginning to manifest itself in the

new studies and profound speculations of several leading Unitarian clergymen, and in the breaking away from conventional opinions which characterized a few studious men and women. The ideas which afterward obtained expression in sermons and books, and of which the scheme of a new social life at Brook Farm was an attempted realization, passed then from one glowing face to another in daring speech, or from hand to hand in fervent correspondence. Such high converse, prolonged in a frank and confidential correspondence, seemed to have brought these two persons into an intimacy which lasted some years, and determined mental tendencies upon both sides. She says of him in one of her letters :

“He was as premature as myself at thirteen—a man in the range of his thoughts, analyzing motives and explaining principles, when he ought to have been playing at cricket or hunting in the woods. All his characteristics wore brilliant hues : he was very witty, and I owe to him the great obligation of being the only person who has excited me to frequent and boundless gayety. In later days—for my intimacy with him lasted many years—he became the feeder of my intellect. He delighted to ransack the history of a nation, of an art or a science, and bring to me all the particulars. Telling them, fixed them in his own memory, which was the most tenacious and ready I have ever known ; he enjoyed my clear perception as to their relative value, and I classified them in my own way.”

This picture of his intellectual traits, drawn by a master hand, shows how early and in what direction Mr. Davis' character had developed.

A law practice in a country town could not entirely engage faculties as active as those Miss Fuller so accurately describes. Accordingly Mr. Davis, the second year of his practice in Greenfield, established the Franklin Mercury newspaper, and man-

aged and edited it for three years. He interested himself, too, in politics, was a member of the General Court, one year in the House, two years in the Senate, and served one term, 1851 and 1852, as a Representative in Congress from the district in which he lived.

His first considerable speech was in reply to an attack upon him by his brilliant colleague, Robert Rantoul, Jr. It is a curious illustration of the beneficent change, which has taken place in public sentiment within the last twenty-six years, that these two leading Congressmen should stand up and formally accuse each other before a public assembly, in which the proscriptive and tyrannical pro-slavery spirit was almost supreme, of humane and generous sentiments. For the benefit of their own fame, it may now be said, that each antagonist made out a tolerably clear case. While each asserted that he resolutely adhered to those just and humane sentiments, each convicted the other of having compromised them, at least, by suppression and silence under the exigencies of his political relations. That natural conservatism, which had drawn Mr. Davis away from the aggressive radicalism of the inspired apostles of *transcendentalism*, attached him more to the cautious and constitutional measures of Mr. Webster, who had already largely lost his influence over the popular heart, rather than to the fortunes of Charles Sumner, just beginning his career as the uncompromising advocate of freedom at all hazards. It is, perhaps, not time yet to sum up and judicially determine the issue involved in that old controversy. This much, however, may be said, that when the terrible convulsion came, in which slavery suddenly fell, its foundations dissolved in the blood and tears of a nation, the catastrophe was as much due to the strong union sentiment which Webster and Everett, Cass and Benton had cherished as to the hatred of slavery, which Garrison and Sumner, Phillips and Giddings had excited.

Mr. Davis spoke at great length upon a contested election case from the State of Pennsylvania, showing himself an expert in the comprehension and exposition of legal principles, and in the discussion of the evidence applicable to those principles. But the effort of his in Congress, which is most generally remembered, and which gave him almost a national reputation, was the speech he made in reporting to the House resolutions drawn by him on the occasion of the announcement of the death of Daniel Webster. It is easy to understand how his exquisite literary taste, and the stores of classic and poetic learning his tenacious memory retained, enabled him to excel all his peers in the grace and eloquence with which this affecting tribute to the fame of the great statesman, his personal friend, was performed.

Mr. Davis was not a candidate for re-election. He escaped the mania for public life, with which a single session of Congress, like *an insane root*, is very apt to infect all who have enjoyed it; and he never, in his later life, spoke of his Congressional career as specially grateful to his memory, or one which he cared to renew. He returned with considerable enthusiasm to the practice of his profession, and for many years held the first place at the Bar of his County.

Mr. Davis was twice married; once to a daughter of Nathaniel P. Russell, of Boston, and again, in 1865, to an estimable lady of this city, well known in an appreciating circle of friends for mental traits and a brilliant wit not unlike his own, that made them attached and congenial companions.

Mr. Davis died in this city on the seventeenth of June last. He had been for several years an invalid, and in a physical condition that excited the solicitude of his friends. To those, who knew him intimately, he had spoken calmly of himself, as 're-prieved of the inevitable stroke only from day to day. The

end came happily without prolonged or considerable suffering, and without that long clouding of the intellect, which both he and his friends had dreaded much more than death.

It is not for his ability, or reputation as a lawyer, or as a public man, that Mr. Davis will be the most widely remembered and esteemed. He went out of the beaten path in which the common American mind competes for distinction. He discovered the high rewards that a private and social life have to give to those men, who sedulously cultivate the talents which attract and please. He made conversation an art, and introduced into the circles that surround a New England dinner table, the gathering of a college class or the festive occasions of an agricultural society, the high style, the copious anecdote and the enlivening wit that distinguished the *salons* of Paris in the early part of the century.

Mr. Bowles, late editor of the Springfield Republican, who, after a laborious life, has himself gone, too early, to regain the companionship of his admired friend, says of him :

“His great distinction was in literary culture and his social gifts. Here he was indeed a genius, so superior and so brilliant, that not only were all other men dwarfed in comparison, but everything else that he did or was, seems small and inadequate. His knowledge was eclectic, yet universal. He knew something of everything, and of many things much. His mind was all-devouring, all-embracing, and seemed never to let go of anything it had ever possessed. As a conversationalist indeed brilliant, suggestive, deft to daintiness, sufficiently sympathetic to established personal relations, but not too much so to interrupt the flow of his wit, which was ever the dominant quality of his talk, it may fairly be said that he had no peer in all America. For a generation he made life in Greenfield famous by his presence, his social and literary leadership, and the circle of bright people that he drew out and around him, at home and from abroad.

"Those who never saw him and listened to his conversation can have no adequate idea of the marvelous brilliancy of his mind and its rare stores of knowledge. Those who had such opportunity will preserve a vivid memory of one of the most remarkable characters that ever lived; and those who had the good fortune to come still nearer to him, and feel the added charm of his singularly frank, confiding nature, its tender charity, its generous philosophy, its great capacity for enjoyment of little things, will be somewhat at a loss to decide for what their admiration is the most profound, and their sadness that he is dead the deepest."

It is impossible to be more generous, and at the same time more discriminating, than this sketch by a friend of a mind he knew so well.

The advent to Portland of such a man, in the plenitude of his powers, was an event of no little influence. It was some time before we found him out, and learned to appreciate and make him available. Had he come to us as the professional advocate of some cause or theory, we should not have been long in finding for him a platform, from which he could enlighten or convince us. Had his severe taste and simplicity not made all advertising and self-assertion abhorrent to him, we should sooner have learned what he could do. A few did learn that here was a man that had cultivated not the universal American art of making speeches, but the unique and rare art, little known in America, of *talking*. Here was a man who could bring an unknown charm into social life, who could make an evening repast not a dull clatter of knives and forks, and a racket of voices expressing only animal satisfaction, but a feast of reason and a flow of soul. Happy in the memory of those who enjoyed it will be those occasions, often casual, when they met him for the first time and felt the coruscations of his wit flash like summer lightning through the heaviness and dullness of small

talk and commonplace. To him, as to his auditors, it was an equal pleasure, since he found in their eager appreciation and applause fresh fields and pastures new, wherein his playful spirit could revel. I have been with him at remote country inns, when he has been introduced for the first time to people of both sexes, who seemed to me to be utterly incapable of intellectual appreciation, or to be the inspirers of wit or eloquence, and have seen him open his repertoire of stories and narrate them in lively sequence and profusion, stimulated by the delight and amazement of his listeners, who seemed to regard him as a visitant from some other world.

Unlike most great talkers, Mr. Davis was not arrogant; he never monopolized conversation, or showed the least annoyance at interruption or indifference. Indeed, he seemed better pleased to draw out other minds and put them in their best aspects, than when he held the floor alone. He was the most sympathetic man I ever knew towards all original fine thought. He liked to tell the good jokes made by other people, and knew no rivalry in his art. He used to carry about in his *porte-monnaie* little newspaper scraps of unconsidered good things gathered in his universal reading. He would make occasions to bring out and obtain notice for obscure young writers, who had attempted something before quite finding the direction of their powers. He gladly took the assigned part, however subordinate, in any literary exercises, from which a refined pleasure could be derived, or by which taste and culture could be improved; and his society was as much delighted in for the heartiness, with which he appreciated good things said by others, as for the good things he said himself. Hence his presence in this city was not only a rare ingredient in our social pleasure, but it was also a great stimulus to intellectual culture and to the elevation of the standard of excellence in all literary and artistic work.

As Mr. Bowles says, "Historical themes were always a great pleasure to him, and much exercised his interest and his industry in the later years of his life." The members of this Society will remember the interest he contributed to these meetings by papers which he read, indicating his historical inquisitiveness, his acute and critical faculty of weighing literary evidence, and his sound judgment in the solution of historic questions. But they will remember, with more affectionate interest, his hospitality, his genial presence, and the wit and humor with which he was wont to enliven their discussions.

MEMOIR OF
HON. EDWARD KENT, LL.D.

BY HON. JOHN E. GODFREY.

READ BEFORE THE MAINE HISTORICAL SOCIETY AT PORTLAND,
MAY 15, 1879.

WITH BRIEF REMARKS BY ISRAEL WASHBURN, JR., AND GEO. F. TALBOT.

No man ever died in Bangor more universally beloved and respected than Judge Kent. For half a century his face was familiar to the people of that city, and it may be said, with truth, that he died without an enemy.

In one of his early orations he recited with much feeling the now familiar quotation from that great American poet,* who in a few short weeks followed him "to that mysterious realm":

"So live, that when thy summons comes to join
The innumerable caravan, which moves
To that mysterious realm, where each shall take
His chamber in the silent halls of death,
Thou go not, like the quarry-slave at night,
Scourged to his dungeon, but, sustained and soothed
By an unfaltering trust, approach thy grave,
Like one who wraps the drapery of his couch
About him, and lies down to pleasant dreams."†

* Wm. Cullen Bryant, died June 12, 1878, in his 84th year.

† Thanatopsis.

So he lived. Clearly that lesson never faded from his memory. All who knew him intimately during his life, and were with him in his last days, will bear witness that the "unfaltering trust" was his to the end.

Edward Kent was born in Concord, New Hampshire, January 8, 1802. He was the youngest son and sixth child of William Austin Kent, a native of Charlestown, Mass., who settled in Concord. His mother was a native of Sterling, Mass., and a sister of Prentiss Mellen, the first Chief Justice of the State of Maine. Their family consisted of four sons and four daughters. Col. William Kent, the oldest child, is now about eighty-six years of age, and living in Concord. He was educated a merchant. The second child became the wife of Hon. James H. Bingham, a graduate of Dartmouth College, and a classmate of Daniel Webster. George Kent was the second son. He was a graduate of Dartmouth College; is a lawyer by profession, but has devoted much of his attention to literature, and many of his poetical gems have found a place in the publications of the country. He has been an editor. Under President Lincoln, he was Consul at Valencia, in Spain. Now, at about eighty-two years of age, he is a Clerk in the Treasury Department, in Washington. John, the third son, became a merchant in Boston, and died in the twenty-sixth year of his age. The second daughter became the wife of Rev. Samuel P. Newman, a graduate of Harvard and a former professor in Bowdoin College. The third daughter was married to Rev. Moses G. Thomas, a graduate of Brown University, who became a Unitarian clergyman, and was settled in Concord. The fourth daughter and youngest child was the wife of Rev. Charles Packard, a graduate of Bowdoin College, an Orthodox Congregational clergyman, who died in Biddeford, Maine, the place of his last settlement.

Edward was educated at Harvard College, and was graduated

in 1821, at the age of nineteen. That he stood well as to scholarship, is indicated by the fact that he was a member of the Phi Beta Kappa Society, which embraced less than a third of the graduating class, numbering fifty-nine. Among his classmates were Ralph Waldo Emerson, Josiah Quincy—a former Mayor of Boston—Robert W. Barnwell, once a member of Congress and President of the principal college of his State, (South Carolina), Charles W. Upham, a former member of Congress from Essex District, Mass., and Judge Edward G. Loring.

He was qualified in the law under Benjamin Orr, one of Maine's most eminent lawyers, and under Chancellor Kent, and entered the profession well grounded in its principles.

In 1824, he visited Bangor, with a view to establishing himself there if sufficient inducements offered. He found it a thriving town, with about 2,500 inhabitants, at the head of ship navigation on the Penobscot River, the outlet of a great lumber region, and promising to be the center of the business of a large portion of the State. He had a keen sense of humor, and on his visit met with some amusing incidents. One he was fond of relating. In taking a stroll, he reached the Kenduskeag bridge, then an unpretentious structure of wood about thirty feet in width, having sidewalks, upon which he saw people passing freely. Upon proceeding to follow their example, he was brought to a stand by a shout:

“Hollo! Going to run your toll?”

Looking in the direction of the voice, he found it proceeded from a bellicose looking person across the street, standing in a door-way. To avoid a scene, he went towards him and learned that, as he was a stranger, he was required to pay tribute to the extent of one cent for the privilege of passing over the

structure, while to citizens the passage was free. He concluded to become a citizen !

The next year he returned to Bangor, and in September, 1825, opened a law-office, and became the seventh member of the profession in the place ; the others were Allen Gilman, Samuel E. Dutton, Jacob McGaw, John Godfrey, William D. Williamson and Thomas A. Hill.

His fine personal appearance and agreeable manners soon made him friends, especially among the young men, who, the next year, elected him to the position of foreman of a new fire engine which the town had purchased, and they had named "Washington." One would hardly suppose that Mr. Kent was the quality of person to "run with the machine"; but he did. The position was deemed one of honor by the young men—and he honored the position while he held it, which was not long.

He loved his profession for the intellectual labor it involved. He disliked its drudgery. He was not fond of pursuing poor debtors, and devoted some of the time, which might have been given to that business, to writing occasional political articles for the newspaper, or engaging in the discussion of political questions. In the autumn of 1826, public notice was given that the "Debating Society" would assemble at his office to debate the question "Whether it is commendable, in a candidate for office, to be active in promoting his own election?" The only record we have of the part he took in the debate—that of his life—is, that he advocated the negative.

In the spring of the following year, much interest prevailed in regard to the Greek struggle, and a public meeting was held in Bangor in behalf of that people. Mr. Kent was the Secretary of the meeting and did much efficient work. The people, generally, became so absorbed in the cause of the patriots that every one felt it his duty to contribute something. The devotion of

a colored barber, by the name of Hanson, who advertised his intentions of giving a certain day's services in his vocation, for the cause, and actually *giving* them, without requiring compensation from his customers, afforded the Secretary considerable amusement.

At that time it was a rule of the Supreme Court, that no person should be admitted as Counsellor in the Court, until he had practiced two years as an Attorney in the Court of Common Pleas. Mr. Kent was admitted as counsellor in 1827.

In the same year he was appointed, by the Governor of the State, Chief Justice of the Court of Sessions. He held the office from the April term, 1827, through the December term, 1828.

About this time he entered into co-partnership with Jonathan P. Rogers, a distinguished member of the Bar. The connection continued two or three years. Mr. Rogers was Attorney General of the State.

Soon after, their co-partnership was discontinued—in 1831–2, Mr. Kent formed a business connection with Jonas Cutting, who was afterward a Justice of the Supreme Court. The connection continued about eighteen years. The style of the firm was Kent & Cutting. Judge Cutting, many years afterward, facetiously remarked, that it was an improper arrangement of the names; but it would not have been so if he had discovered in season that he was a year older than Mr. Kent. He supposed that he was a year younger.

Mr. Kent's popularity is shown by the fact that he was repeatedly elected to many subordinate offices of the town—Moderator of meetings; Town Agent; a member of the Superintending School Committee from 1828 for four consecutive years, and Representative to the Legislature from the Bangor District, which comprised the towns of Bangor, Orono (of which

Oldtown was then a part), Dutton (now Glenburn) and Sunkhaze (now Milford), for the years 1828 and 1829. Gorham Parks was his Democratic opponent.

He was twenty-six years old when he entered the Legislature. He made himself conspicuous by resisting, against strong party opposition, the incorporating Argyle, as a town, and its annexation to the Bangor District, urging that the township was owned by Waterville College and contained only two freeholders; that but thirty persons prayed for the incorporation, whereas forty remonstrated against it, on the ground that they would be subjected to ruinous taxation if the incorporation took place; that the district was already probably the largest in the State, and that the town could not be annexed to it, as the Constitution prohibited the alteration of the established representation until the next general apportionment. His opponents, with much bitterness, charged him with resisting the annexation for the reason that it would change the political complexion of the district—a reason which would have justified him as a partisan—but he triumphed as a lawyer; the Supreme Court afterward sustained his position.

In 1829, Mr. Kent was selected for the Fourth of July orator in Bangor. The leading democrats made arrangements for a partisan celebration, but the citizens, who thought the day should be celebrated with a view to stimulating patriotic friendship rather than partisan hate, made much effort to have a general celebration of unusual excellence. Several officers and soldiers of the Revolution, and distinguished strangers, participated. The prayer was made by Dr. John Smith, Senior Professor in the Theological Seminary; the Declaration was read by Rev. Prof. Geo. E. Adams, and a hymn, written for the occasion by B. B. Thatcher, the poet, was sung. It is recorded that Mr. Kent's oration was listened to "with gratified atten-

tion"; that it was " a chaste and eloquent production, and breathed the sentiments of enlightened patriotism, unsullied by the bitterness of party spirit—and was worthy of the day."

Bangor became a city in 1834. The first Mayor was Allen Gilman, a pioneer lawyer of the town, a native of New Hampshire, who migrated in 1800, two years before Mr. Kent was born. Mr. Kent was his successor as Mayor two years after Mr. Gilman's first election. Until this time, (1836), Mr. Kent had more or less connection with the public affairs of the place. When candidate for the mayoralty, he was opposed, politically, by the democrats—Amos M. Roberts, recently deceased, being his opponent; but, having many strong personal friends in their party, he was elected by a large majority. In 1837, he was re-elected by an increased majority. He gave great satisfaction as Mayor. His voice was always in favor of education and good morals, and he received the ready support of his fellow citizens whose names were identified with those objects. He had no hobby, but when he felt that he could say a word effectively in behalf of a good cause, he did not hesitate to say it. Thus, in his second inaugural message, he gratified the friends of temperance by this language :

"The subject of pauperism leads to the consideration of its prolific source, *intemperance*. As a municipal corporation, we are interested in this subject, for our burdens and taxes are swelled by the crime and misery attendant upon this destroyer of human life and human happiness. As the constituted guardians of the public weal, it is our duty to do what we can to restrain its ravages. I trust that the resolution adopted by the Board of last year will be adhered to, and that no *legalized* and *licensed* drinking will be found in our limits. In my view, the sanction or influence of legal authority should never be given to a traffic which fills our jails with criminals and almshouses with paupers, and our whole land with want and misery."

In 1836, the Whigs nominated Mr. Kent as their candidate for Governor. The Democrats nominated Robert P. Dunlap, of Brunswick, who was elected.

In 1837, Mr. Kent was again nominated by the Whigs. Gorham Parks, his old competitor in the Bangor District for the office of Representative, was the nominee of the Democrats. Mr. Kent was elected.

Maine had for many years been a Democratic State, and Mr. Kent's election was a shock to the leaders of that party. They could not be reconciled to it, and in the Legislature they put every obstacle in the way of his inauguration. The committee to whom the question of the election was referred, made an able report, declaring Mr. Kent elected. Then was commenced a war upon the returns. It was frankly admitted that Mr. Kent had a majority of the votes, but it was alleged that there were informalities in the proceedings connected with the election in several towns, which would invalidate the certificates of the election returned to the Secretary of State's office, and that therefore the votes of those towns should not be counted, and the Democrats proposed to introduce testimony to invalidate them. This was vigorously resisted by the Whigs, and the controversy became so violent and protracted, that it appeared as if there might be no Governor at all. At length, however, the disaster was averted by an agreement to refer the question to the Supreme Court. That tribunal was composed of Nathan Weston, Nicholas Emery and Ether Shepley—a tribunal of which the State might well be proud—who, disregarding party predilection, promptly returned an opinion sustaining the position of the Whigs, that it was not competent for the two branches of the Legislature to admit evidence to prove that a return of the vote for Governor given in any city, town or plantation, to the office of the Secretary of State, is not what it purports to

be. Thus was the controversy settled, and the Legislature passed a resolve declaring Edward Kent elected Governor; and made arrangements for his inauguration, having consumed the larger portion of the month of January in altercation.

A committee, consisting of Mr. Dumont, of the Senate, and Messrs. Codman and Parris, of the House, was despatched to Bangor, to notify Mr. Kent of his election and to escort him to Augusta.

On January 18, 1838, he tendered his resignation as Mayor of Bangor. The city journal of that day recorded the fact that he departed from the town in the afternoon, "amidst the roar of artillery and the cheers of his fellow citizens." His inauguration took place on the nineteenth. He read his message. In regard to this paper, the organ of the Whigs said that it was "a matter of just pride and congratulation to the Whigs, that the first paper issued by the Chief Magistrate of their choice should be one of so high character; so able in its style; so enlightened and comprehensive in its views; so liberal in its policy; so firm and so moderate in its tone."

Specie payments had been suspended by the banks in consequence of the pressure of the times. He alluded to the fact, and excused it on the ground that it was occasioned by necessity; opposed legalizing it, however, and urged resumption at the earliest possible day. He referred to the North-Eastern Boundary question, and insisted that the line should be run as authorized by Congress, without delay; and recommended that the General Government should be called upon to bring the controversy to a close and free our soil from foreign jurisdiction, and protect us from invasion, as it was bound to do by the Constitution.

Governor Kent thoroughly investigated this question, which had now become one of absorbing interest in the State, and at the opening of the next session of the Legislature he made a

communication in which he stated that he had taken measures tending to its settlement—detailing them.

He was succeeded, as Governor, by Mr. Fairfield during the two following years, in which occurred the “Aroostook War,” which brought the controversy to a crisis.

In 1840, he was again a candidate against Governor Fairfield, and there was no election by the people.* The four highest candidates were John Fairfield, Edward Kent, F. O. J. Smith and Hannibal Hamlin. From these, the House sent to the Senate the names of John Fairfield and Edward Kent. A majority of the latter body being Whigs, Mr. Kent was elected Governor by a vote of 16 to 8 for Mr. Fairfield. Of his message this year the *Kennebec Journal* said: “We can imagine nothing we could wish were added to it, and we see nothing in it that should have been omitted.”

*This was the year of the memorable musical campaign, in which General Harrison and Mr. Van Buren were the opposing candidates for the Presidency. Among the numerous doggerel songs, with which the country was inundated, was one in which the name of Mr. Kent was glorified in the following stanzas of the fifteen to twenty of which it was composed :

“Now, who shall we have for our
Governor, Governor ?
Who ? tell me, who ?
Let’s have Edward Kent, for he’s a team
For Tippecanoe and Tyler, too ;
Tippecanoe and Tyler, too ;
And with them we’ll beat little Van, Van :
Van is a used up man ;
And with them we’ll beat little Van !
“Oh, have you heard the news from Maine ?
Maine, Maine ?
All honest and true,
She is all for Kent, and seven thousand gain.
For Tippecanoe and Tyler too !
Tippecanoe, &c.”

Governor Kent held the office during the year 1841, in which year Governor Fairfield was re-elected. This gentleman resumed the gubernatorial chair in 1842.

The troubles between Maine and New Brunswick having been arranged by their respective Governors, through the intervention of General Scott, acting in behalf of the United States, the Aroostook war was brought to a close, with the boundary question still under discussion. In 1842, the discussion matured in a convention between the British minister, Lord Ashburton, and Daniel Webster, the American Secretary of State under President Tyler. Mr. Kent was made a commissioner by the Legislature to confer with the Secretary in regard to the interests of Maine. His colleagues upon the commission were William P. Preble, Edward Kavanagh and John Otis. In the negotiation he urged the maintaining of the integrity of the territory of the State inviolate, but was not successful. The surrender of a portion of this territory in the settlement, against his protests, was the occasion of much feeling in the State.

Governor Kent resumed the practice of his profession in Bangor, with Mr. Cutting, with whom he continued until he was appointed Consul to Rio de Janeiro, by President Taylor, in 1849. The duties of this office he performed efficiently and satisfactorily for four years, and until President Pierce relieved him by appointing to the office his ancient opponent, Col. Parks. He then returned to Bangor, and again resumed his practice. In this he continued, having associated with him his brother George, until the year 1859, when he was appointed by Governor Lot M. Morrill to a seat upon the Bench of the Supreme Court. Among his colleagues was his old co-partner Cutting, who was appointed in 1854. Judge Kent was re-appointed in 1866, by Governor Cony, and held the office until 1873. He was in the full vigor of his powers when his term

expired, and, in the opinion of many, should have been re-appointed. His ability was unquestioned, and the manner in which he had performed his judicial duties was eminently and universally satisfactory. It was supposed that he would not accept a re-appointment.

After he left the Bench, he spent a year with his family in travel in Europe. He was for some time in London, and then upon the continent, and visited Italy and Greece. He saw much to interest and amuse him, but was glad when he found himself again among his friends in Maine.

In 1874, he again resumed the practice of the law in Bangor. He would not permit himself to rust out, and was engaged in several important cases between 1874 and the time of his death. He was a careful student, and, until he finally left his office, was constantly examining the authorities.

The last public position held by him was that of President of the Convention for the amendment of the Constitution of the State, in 1875.

At the time of his death, he was a member of the Maine Historical Society, to which he was elected in 1831.

Judge Kent was twice married. His first wife was Sarah, daughter of Nathaniel Johnston, Esq., of Hillsborough, N. H. His family, when he went to Rio, consisted of this wife, one son, James, and two daughters, Charlotte and Kitty. James died in Rio; Charlotte married an English gentleman in Rio, and died there of yellow fever, leaving an infant—since dead. His wife and Kitty returned with him to the United States. Mrs. Kent died soon after their return, in 1853, and Kitty survived her about two years.

Mr. Kent was overwhelmed with grief by his successive afflictions. His philosophy, however, would not permit him to succumb, and, with the lapse of time, he brought himself to

submit to the inevitable. His chief happiness had been in domestic life, and this he determined to renew. In 1855, he married Miss Abby A. Rockwood, daughter of Rev. Otis Rockwood, of Lynn, Massachusetts, a lady whose vivacity, intellectual and other personal qualities were well calculated to aid him in recovering the social pleasures of which he had been so unhappily deprived. She, and their only son and child, bearing his father's name and of fine promise, are still living.

One who knew Judge Kent intimately all his life, furnishes the following notes, which afford a correct idea of one phase of his character :

“In estimating aright the character of Judge Kent, certain salient points, not prominent, though not wholly ignored in his official relations, should not be overlooked. They go far, indeed, in making up the well-rounded life of our departed brother and friend. The most prominent of these traits were the openness of his nature, the amenity and kindness of his disposition from his youth up, and his capacity for and appreciation of wit and humor. It may be truly said, without detracting from the weightier points of his character, that he ‘was not only witty himself, but the cause of wit in others.’ It was, perhaps, humor rather than wit that he indulged in himself and appreciated the most in others—humor of a chastened kind, rather than that boisterous wit which would ‘set the table in a roar.’ A quaint conceit, or happy turn of expression, a play upon words or verbal pun, would go farther with him, dwell in his memory the longer, and be recalled with more satisfactory enjoyment, than the ribald jest or the coarse and vulgar anecdote.

“He often noticed, and indulged himself in relating, the peculiarities of his professional brethren, without a spice of envy or ill-will towards them—‘with charity towards all, and malice towards none.’ As to clients, or witnesses in Court, any of their out-of-the-way expressions would afford him frequent and long amusement.

One instance he used often to relate of a client who had left with him a note for collection, with somewhat indulgent directions, at first, as to its enforcement. A dunning letter, which was ordered to be written, failed to procure the money. A suit was next in order, but the client still felt disposed to be merciful. He gave, however, on his second calling, the definite instructions that, if the debtor did not pay by a certain further given time, some '*corrosive*' measures should then be adopted.

"The guileless simplicity of one or more of his well-known Bangor neighbors was occasionally adverted to—and the case of one was often enjoyed in the narration, who had felt himself and family somewhat annoyed by the singing and shouting of boys near and about his house. He complained of the grievance to the Police Court, or some officers of the peace, who failed to perceive any real ground for their interference, unless the complainant could show that the assembling together and the conduct of the boys was riotous, or profanely vulgar in its character. On questioning him as to this, he said that he could not exactly say as much as that, for he did not hear all they said or sung—but, as near as he could catch the words of one of their songs, it was 'about a *Mr. Daniel Tucker* who would not come to his tea.'

"An instance is given of one of the many off-hand replies of Judge Kent, in case of a former well-known apothecary in Bangor, a rather latitudinarian thinker and talker, who, in a somewhat public harangue on board of one of the river steamers, was advancing sentiments on religious subjects which shocked a plain and thoughtful farmer from one of the back towns, who did not know the speaker. Coming up to the Judge, who was on board, and whom he knew, he expressed his astonishment at the talk, and asked the Judge if he knew the man, and if he wasn't a '*fatalist*.' 'Oh, he's a *druggist*!' was the curt and quaint reply.

"In illustration of the thoughtful kindness of Judge Kent, his accustomed consideration of the claims of the young, and his ready concession to them, the Hon. Sam'l P. Benson, Secretary of the

State of Maine, under the Judge as Governor, used to relate the following anecdote. The Governor and Council were in session, and about to fix a time for the annual Thanksgiving. A day was named by one of the Councilors, in which the others of the Council Board seemed readily to acquiesce. The Governor did not so readily concur in the day—but, calling for an almanac, sought out in it the time of the full moon about the last of November—remarking that it was usually, by that time, sleighing in Maine, which he had enjoyed when young, and he wanted to give the girls and boys a fair chance for such Thanksgiving enjoyment, with a good moonlight night.

“While well known as unwavering in his political faith, and true to the essential principles of the party with which he was identified, Judge Kent was never a bitter partisan or intolerant of the honestly entertained views of his political opponents. He could give as well as take, in good humor, a cut or thrust hit, in wordy warfare with his antagonists.

“Soon after he had been elected Governor, but not having entered upon his official duties, was still in his law practice; and during the professional and Democratic days of the Hon. Hannibal Hamlin, the occurrence between them of the following incident has been related, I think, by the Ex-Vice President himself:

“They had been attending Court together, at Norridgewock, and left quite early one morning on their return in the old stage coach, riding some miles to breakfast. Mr. Hamlin had finished the meal, obtained and lighted his accustomed cigar, and taken his seat in the coach on the first announcement of the stage being ready. The *late* Governor Kent was a little behind-hand, and, in his final haste to reach the coach, had taken his seat in it without thinking of his cigar. Seeing Mr. H. puffing away, he spoke to the only man—a dirty looking hostler—standing by, and gave him the change to procure and bring him a cigar, intending to light it by Mr. Hamlin’s. The hostler soon came back, puffing a cigar which he had already lighted and well slobbered over, saying,

‘Here it is, ’Squire, going full blast.’ The Governor gave a significant look at the man, saying, ‘Well, friend, as you have taken so much trouble, and got so far along with the cigar, I think you had better keep and finish it.’ Then turning to his personal, though not then political, friend, Hamlin, he remarked, ‘I might, perhaps, have gone it a few weeks ago, before the election, but it is a little too *democratic* for me now.’

“In addition to other instances of Judge Kent’s appreciation of humor, the case may be mentioned of a practitioner of the Maine Bar, in conducting a suit in Court, when it was deemed important to establish, by evidence, the ancient bounds of certain lands in question, introducing an aged witness, and frequently mentioning him as ‘an old *centurion*.’”

There are many anecdotes of the Judge, some of which are perhaps apocryphal. The following is characteristic enough to be true :

A fellow was indicted for burglarizing a lumberman’s camp, taking clothing and money. The witness for the government testified that he saw the prisoner’s head, right arm and shoulder, thrust through an opening he had made in the camp, and the articles disappear with them. Here the government stopped. Whereupon the prisoner’s counsel went to the jury, gravely protesting that there was no case ; that to make out a case of burglary the prosecution must show an entrance of the whole man—at least the larger part of him ; the feet as well as the head must have been within the camp. In this case only a small portion of the prisoner’s body was within the camp, and the charge of burglary was absurd ; and for the honor of the State and the credit of justice, he trusted the Court would so instruct the jury !

The Judge, with a grim smile, said to the jury, that if they were in doubt as to the guilt of the whole person, they might

render a verdict of guilty to the extent the evidence would warrant.

After a brief absence, the jury returned a verdict of guilty against the prisoner, to the full letter of the indictment, as to his right arm, right shoulder and head ! and the Judge sentenced the arm, shoulder and head to State Prison for two years. The prisoner might do with the remainder of his body as he pleased.

An old offender had been convicted before him of bigamy. When asked if he had anything to say why sentence should not be pronounced, he appealed to the clemency of the Court ; he hadn't intended anything wrong ; his wife had abandoned him, and he had no home. This woman offered him a good home, and gratefully he had accepted it, not meaning the least harm ; he had been in jail some time, and he thought his sentence should be light.

The Judge said pleasantly, "You want a home ; you have some acquaintances in the State Prison ; have resided there, have you not ?"

"Yes, your Honor."

"As you want a home and have some acquaintances in the State Prison, I think that you had better go there for eighteen months." There was no further parley.

In his early practice, Mr. Kent became acquainted with a poor debtor, who took the burthen of his lot with such equanimity that he felt for him a sort of admiration. This man was frequently in possession of a good horse, and about as frequently in gaol, but always apparently happy. He had traveled much in the Provinces, and had become acquainted with the poor debtor laws there, as well as in his own State, and managed to get the benefit of their most comfortable provisions. When constrained to take lodgings in prison, he took pleasure in the

thought that he would be safe from the persecutions of sheriffs, and that a tolerable bed and a satisfying meal were furnished him gratis. He had a kind of humor that amused the counselor, and he was wont to wake up the jury with one of the replies of this man to a possible customer, who he thought might be a sheriff in disguise, in regard to the proprietorship of a horse in his possession that was understood to be for sale. "It depends upon what you want of the animal. If you want to *buy* him, he is mine; if you want to *attach* him, he belongs to *old Jimmerson*" [a person supposed to be able to maintain his title].

Soon after the Judge went upon the Bench, at a law session, a case came up in which a former enterprising business man occupied the position of a town pauper. Turning to the Judge, one of his colleagues said: "Is it possible that D—— has come to this? Why, he used to be one of my clients!" "That accounts for it!" said Judge Kent, with a significant smile.

On one occasion, a counselor appealed to the Judge in regard to a difference between him and the Clerk, in the casting of interest, and he "wanted it right."

"Wherein do you disagree?"

"He makes it less than I make it."

"What is the difference?"

"Six cents, your honor."

"Here is the difference. This court can be better employed than in going over that long account for six cents." And the Judge handed him the money.

"I don't want the money," said the counselor, "I want it *right*."

"Oh, that makes it right," said the Judge pleasantly, and then turned his attention to other business.

Of his literary productions, there is one to which he referred in his later years with playful satisfaction.

In 1848, several benevolent ladies of Bangor, who were engaged in the establishment of an asylum for orphans, conceived the project of publishing a book containing original contributions from Bangor writers. The Judge was applied to, and contributed a humorous paper, entitled "A Vision of Bangor in the Twentieth Century." The book was published under the title of "Voices from the Kenduskeag."

He said that he was amused to find that the predictions of it were already so far realized. His office [occupied by him and the writer for three years before his decease] was opposite a well-known locality called "Taylor's Corner." In 1848, there stood upon it an ordinary two story building of wood. It has now been occupied, for many years, by a superb block of buildings. Pointing to this, he quoted from the article, a colloquy between an old man and a young man of the future. The former inquired of the latter: "'Where is Taylor's Corner?'" 'There,' said the latter, pointing to a splendid block, covered with signs of Banks, Insurance offices and Brokers." This is a pretty correct description of the "Wheelwright Block," as it is called.

The Judge particularly mentioned the prediction involving the improvements in telegraphic communication; the increase of States, abolition of slavery, etc. An idea may be had of the article from the following extracts:

"I took up the paper of the day, Sept. 10, 1878, and called the 'Bangor Daily News.' * * A paragraph headed 'Presidential Election,' attracted my attention. It contained a column of States, fifty-six in number, and, at the bottom, 'we have partial returns, by telegraph, of the voting yesterday in Oregon City. One of the candidates, residing in that region, gives great interest to the votes of the Pacific States.' The editor, who was evidently a little of an antiquarian, had hunted up an old file of newspapers, and had copied, as curiosities, some of the notices of the year 1848, of the

Whig, Democratic and Liberty' parties, and their stirring appeals—and the editor adds, 'Can it be believed, that in 1848 men were actually held as chattels, and sold at auction like oxen? We yesterday saw a shipmaster, who told us that he had seen and talked with black men in the South, who were once slaves, and they and their children had been sold by an auctioneer! Thank Heaven, we have seen the last of that horrid system.'"

In the next extract is a specimen of the Judge's humor.

"In an adjoining building was the telegraph office. I looked and saw that instead of wires they had, near the ground, rails of a small size. I asked, why this change? and was told that they sent passengers on them, driven by electricity, to Boston in four minutes. 'But how can the human system stand such velocity?' 'Oh, we *stun* them,' the fellow said, with the Letheon, and then tie them in boxes on little wheels, and they go safely and come out bright. There are rival lines,' he continued, 'and great efforts are being made to bring the passage within three minutes. We put on a rather large dose of the Letheon when we attempt this, but the passengers all say they will run the risk of never waking again rather than be beat. We have had to bury a few, but what is that to save a minute, and beating the rascally opposition line? The people all say "go ahead."'"

Judge Kent was possessed of a splendid physique, of a benign and attractive countenance, and an agreeable manner. He had a clear blue eye, which was undimmed by age; consequently, his sight never required artificial aid. He hated drudgery of all kinds, and was disposed to keep all disagreeabilities at a distance. Having had one experience of housekeeping, he never returned to it a second time. The refinements, the sociabilities and the *sweets*, of life he craved and enjoyed. In his later years, he loved the companionship of acquaintances with whom he could revive old recollections. His old partner, friend and

colleague, Judge Cutting, was his frequent visitor after he left the Bench, and the relation of their reminiscences was a source of great pleasure to them and to others who chanced to be in their company. The death of Judge Cutting was a severe shock to him. By it one of the last links that made life enjoyable to him was broken. "When I heard he was dead," he said in his eulogy before the Penobscot Court and Bar, "I felt that the world would have less of sunshine for me hereafter. I felt that I had lost, not an associate, but a brother, who had so long been, indeed, 'very pleasant' to me."

Judge Kent abhorred meanness and covetousness. The accumulation of money was of subordinate importance to him. An honorable life and the love and respect of his fellow men he preferred to all pecuniary riches. Speaking of one notorious for his devotion to the accumulation of money, he said, with an expression almost of hate: "Miser is written in every lineament of his countenance." A modest competency only was the pecuniary recompense of his long, industrious and useful life. No truer tribute could be paid to his memory, than that he paid to Judge Cutting.*

"He was actuated by higher motives than a mere love of money or reputation; he felt, as every true and high-minded lawyer must feel, that there are higher rewards and higher motives than those that are merely mercenary, which should move and control him in action. The upright lawyer, who has spent his days and nights in preparation and has mastered his profession in its principles and in its details, and stands up as the advocate of his fellow-man, when his interests or his character or his liberty are at stake, always feels that he has assumed a responsibility which mere money can never adequately compensate."

* Eulogy. Maine Reports, Vol. 65, page 603.

When Judge Kent pronounced these words (Nov. 11, 1876), he was in possession of his full health and faculties, and apparently took as much interest in business as he had ever taken, and bade fair to become at least an octogenarian in his profession, but

“The hour concealed and so remote the fear,
Death still draws nearer, never seeming near.”

On the eighth day of January, 1878, to a remark made in his presence in regard to the rapidity of time, he replied with an expression and manner indicating a sudden and painful conviction, “Yes, and I am seventy-five years old to-day!” Not long afterward, it was rumored that he had occasional attacks of illness at his lodgings; his visits to his office were gradually discontinued, until after a month or two they ceased altogether. It was then understood that he was laboring under fatal disease. He maintained his equanimity, however, until the last, seeing callers until the evening before he died. During that night his breathing became so painful that he sat with his head bowed upon the back of a chair for relief, and in this manner he passed the hours, under the watch of his dearest friends. Having given verbal directions in relation to his affairs of most interest to him (which afterwards were sacredly obeyed), as the sun was rising on the nineteenth day of May, 1878, he went to his rest.

This notice cannot be more fittingly closed than by quoting from the proceedings of the Bar of Penobscot County, on the occasion of his death; a report of which may be found in Vol. 66 of the Maine Reports.

A. W. Paine, Esq., who was selected by the Bar to present the resolutions, said of him:

“As a politician, though firm and decided in his preferences, he knew no party prejudices; no man was his enemy, or even under-

valued because of them ; and, on the other hand, none lost confidence in him because of any difference of political creed or party alliance. As in all other departments of life, so in politics, people gave him credit for honesty and trusted him accordingly.

“ In religious matters he was deeply imbued with the doctrines of liberal Christianity, in the best meaning of the term—free from all sectarianism. He respected all religious creeds and convictions in others, when seen to be honestly entertained and carried into life, but no man more thoroughly despised all cant, hypocrisy and bigotry. He held that faith alone had no saving efficacy, except as its genuineness was supported by the evidence of good works.

“ As a lawyer, he was kind and affable in his intercourse with his clients ; he entered with heart into their cause, and won their confidence as one who would be faithful and reliable. And such they always found him. If he gave them encouragement, the result generally justified his advice ; if his judgment was unfavorable, he was frank to say so, and discourage litigation. He studied his cases, and left no stone unturned, no decisions unexplored, so that the truth might be vindicated and justice done.

“ As a Judge, Mr. Kent was by general consent regarded as signally fitted to the place. By nature, he was eminently endowed with the personal qualifications which the place demands. Of commanding form, his very presence inspired respect, his habits of life seconded the impression, and his calm and deliberate manner fitted him for a patient hearer. Well read in the profession, familiar with the principles of the law and with the authorities, he added to all these traits a warm devotion for the place, an integrity which knew no faltering, and a rigid impartiality. To these he united a bland and winning dignity, free from all superciliousness, which commanded the acquiescence and the confidence of every one. The sixty volumes of the Maine Reports, after the fifth Greenleaf, afford abundant proof of all I have said.”

Wm. H. McCrillis, Esq., said :

“Of commanding form and presence and of great physical strength, he was the gentlest of men; of rare talents, he was the most unassuming and modest of men. No person, even his most intimate friend, ever heard him claim any merit for himself.

“Engaged in the strifes of men, during a long and laborious professional life, he maintained, amidst the excitement of a judicial trial between fierce and contending parties, an amiable and urbane equanimity, and never uttered a harsh or unkind word to his opponent.

“He was fond of society and conversation; cheerful, imparting cheerfulness to others; dignified, but abounding in humor, a charming companion, and a favorite at the social circle.

“He loved his fellow-men. His heart was full of benevolence toward all. He knew that all men were equal in the sight of their Creator, and in the sight of our deceased brother all men were equal before man.”

Hon. S. H. Blake said:

“Of Socrates, Plato thus speaks, in his account of his trial and death: ‘Thus died the man, who, of all with whom we were acquainted, was in death the noblest, in life the wisest and most just.’ These historic words that commemorate the virtues of Plato’s friend—do they not truthfully describe the nobleness and wisdom and justness of our friend as we have seen them in his life, as Plato had seen them in the life of Socrates? Or, if this may be too warm commendation, those who knew him best in the intimacy of friendship and the companionship of years, will hardly care, I think, to tone down this coloring.”

Hon. A. G. Jewett said:

“You can say of him what can be said of few men living, that no unfavorable influence ever issued from him. The atmosphere that surrounded Judge Kent was pure, in the highest sense of that term. His influence with the young men of the Bar was worth

everything; and I never saw him in any place where that influence was not exerted for good."

Mr. Jewett had known him as townsman, at the Bar and on the Bench since 1829.

General Charles Hamlin, who was admitted to the Bar about the time that Judge Kent was elevated to the Bench, said:

"It seems to me that more prominence could be given to some other trait in addition to those already so kindly mentioned, and which go to make up and round out the grand judicial success in the career of our lamented friend. We remember, fondly, his benevolent face—his bold and dignified manners, as well as his just and firm administration of the whole learning of the law. We all concur in nominating him the Good Judge—profound in all the learning of the law; no respecter of persons in judgment; as the crowning glory of his judicial success, I think we might claim, that besides being the good judge, *he would be believed by the community to be such.*

"He also possessed the rare quality—rarer than is generally supposed—the power to hold the judicial mind in perfect equilibrium."

Judge Rice, a former associate of Judge Kent upon the Bench, wrote from Augusta:

"The prominent characteristic of Judge Kent was a desire that equity, in its broadest sense, consistent with the fundamental rules of the law, should prevail in all cases between man and man. To reach this result, he would labor with the utmost assiduity; and if at times he appeared to hesitate in coming to a conclusion, it was from a determination first to ascertain the law and the right, and then to decide in conformity therewith; not the shuffling hesitancy of the falterer, seeking to ascertain the popular whim of the hour, that he might conform his judicial action to that standard. In short, he was not only a man of extensive information in the

affairs of life, and of high literary reputation, but an able lawyer, a good citizen and a conscientious and upright judge."

Judge Howard, formerly upon the Bench, wrote from Portland :

"Of this dear and noble Judge Kent, I have the most charming and exalted recollections. I loved him for his many and great excellencies. Among lawyers, and with men, he stood among the first; and with faith and hope and the doings of life, that made his character eminently grand and beautiful."

Hon. Frederick A. Pike, a former member of Congress, wrote from Calais :

"He was considerably older than Cicero when the *Senectute* was written, and older than the correspondent to whom its words of consolation were addressed, and yet he fulfilled all the conditions the great orator set out as necessary to the highest and best development of old age. And quite appropriate is the line of the ancient poet that Cicero applies to Titus :

"Ille vir haud magna cum re sed plenu, fidei."

"An honor to his profession that holds him the foremost, and an honor to the State, that will esteem him among its greatest characters."

Chief Justice Appleton said :

"The friend of my youth, the companion of my mature years, the associate in judicial labor, is no more; and in him is severed almost the last link connecting the past with the present. * *

"With learning, and with industry, ability and integrity added thereto, he at an early day rose to the highest rank at the Bar. As a counselor, no one was more safe, judicious and reliable. Cautious, prudent—his advice to his clients, always replete with sound sense and judgment, predominating elements in his character—was ever preventive rather than advisory of litigation.

"As an advocate, he was earnest, fluent, a thorough master of the facts to be discussed, omitting nothing which could conduce to the result sought to be attained. Judicious, frank and open, scorning all artifice and concealment, despising all trickery, he addressed himself to the merits of his cause and to the calm judgment of the jury. His commanding presence, the recognized purity of his life and the integrity of his character, gave force and strength to an argument, in itself forcible and strong without the weight of those great accessories. His success as an advocate was marked and distinguished.

"As a jurist, his written judgments will ever command the respect of the profession. While respecting authority, he respected more the great principles upon which authority rests. His mind was singularly free from bias and prejudice. His great purpose was to rightly apply legal principles to existent facts. He spared neither time nor labor in his legal investigations. He discussed legal questions with a clearness of illustration, a strength of argument, a fullness and variety of learning rarely equalled and still more rarely surpassed. Occasionally, he was fond of enlivening the somewhat arid discussions of legal principles with flashes of wit and humor in which his genial nature so much delighted.

"In social life he was eminently popular. Cheerful and happy himself, he radiated happiness upon those around him. Calmly, with no disturbing fear, with his intellectual vigor neither dimmed by age nor weakened by disease, trusting in the loving kindness of God, he met the fate predestined from the beginning for us all; and we cannot doubt that to him there was the joyful greeting, "Well done, good and faithful servant; thou hast been faithful over a few things, I will make thee ruler over many things; enter thou into the joy of thy Lord."

MR. WASHBURN SAID:

In submitting to the Society, for Judge Godfrey, this interesting paper, I am unwilling to forego the opportunity of adding a word of my own in memory of an old, a valued and a very dear friend. It was my privilege and happiness to enjoy the friendship of Judge Kent from a period as early as 1835 to the time of his death; and such was the force and dignity of his character, the evenness of his temper, his uniform charity for others, the purity of his life and the delightfulness of his discourse, that my respect and admiration for him was never, that I can remember, abated for a single moment. If he had limitations or faults, they were so purely human, so inherent even to the best type of manhood, that one could scarcely notice them without thinking the more poorly of himself for doing so. If it should be thought that our friend has dwelt at unnecessary length on the humorous side of Judge Kent's character, those who best knew the latter will understand how much the sketch would have wanted in completeness if he had said less than he has on this strong characteristic of the subject of his notice. In the unflagging good nature of Judge Kent, in his broad sympathies, in his wit, overborne only by a humor as genial and unaffected as that of Thomas Hood or Charles Lamb, there was a perennial charm. What Hood said of Allan Cunningham, might, with equal truth, have been applied to him—"he would rise to a joke like a trout to a fly."

There were at the Penobscot Bar, during the mature years of Judge Kent, two gentlemen in whose society he found unfailing pleasure. They were like him in liberal culture, in love of anecdote and facetiæ, and in wearing always, and without abuse, the "grand old name of gentleman." I refer to Thornton McGaw, a friend of Daniel Webster, and a prized companion of Louis Gaylord Clarke, to whose *Knickerbocker Magazine* he contributed, in its best days, many of the rare things which appeared in the

editor's inimitable gossip, and to Elijah L. Hamlin, the soul of truth and honor, and the humanest of men, in whose memory was garnered up tales and humors of his native county (Oxford), of its original and eccentric characters at the most picturesque period of its history, which never flagged, and to the listener never seemed to fail in portraying country human nature in its most genuine moods and aspects.

What gave to this intercourse an especial value, was the proof it furnished to others that the brightest fun and the most enjoyable humor are not incompatible with the absence of envy, ill-nature or coarseness.

But, after all, the permanent and essential reputation of Judge Kent will depend upon his character and career as a lawyer and judge, as a statesman, and as a citizen. Want of time and of preparation will prevent my speaking of him at length in these relations. I remember him as a lawyer, rather indolent, perhaps, in the early preparation of his cases, but, when fairly engaged in them, earnest, forcible, comprehensive, and sometimes, when the occasion had aroused him to the exercise of his fullest powers, surpassingly eloquent.

His earnestness and candor, the obvious sincerity of his convictions, in which there was a power of moral pathos, with the weight of his great character, secured to his addresses, whether to court or jury, the most favorable and friendly considerations. These qualities, when transferred to the Bench, added strength, steadiness and acceptance to its deliberations and to the performance of its duties.

Judge Kent was, however, in his studies and tastes eminently a statesman; his true place would have been in the Senate of the United States, and he would have shed an added and unfading lustre upon that august body. His breadth of thought, his grasp of great questions, his habit of judging them by the

reasons upon which they stood, and not by their trifling or personal relations or accidents, supported by his noble and manly presence, would have made him a distinguished and honored member of that body. His administration as Governor was dignified, faithful and honest, and irradiated by a love for his adopted State, which showed how deeply it had become to him an object of affection and pride. His interest in the question of the Northeastern Boundary was intelligent and absorbing, and, since the time of Enoch Lincoln, it may not be too much to say that it had scarcely been upheld by any other hand with equal devotion and chivalry. But it is as a citizen and as a man that—especially in the Penobscot valley, where he lived so long and was so well known—his memory will be cherished with the deepest affection and the most profound respect. Upon another occasion, I have spoken of him before this Society as the foremost citizen of the State, and this primacy was founded most of all in the citizen, the neighbor, the friend, the man and the Christian. We shall long remember him, and those who knew him best will not hesitate to say, borrowing (with a single change) the language of Thomas Carlyle, in his memorable article upon Walter Scott, “No sounder piece of manhood has been put together in this nineteenth century of time.”

MR. TALBOT SAID :

I first became personally acquainted with Judge Kent, when, soon after his appointment to the Bench, he came to hold a term of the Supreme Court at Machias, where I resided. He brought with him to the judicial office a considerable prestige, gained in a very successful political career. He was the only candidate of the Whigs who had been able to break the ascendancy the Democrats had held in Maine since 1830. Once in 1837, and

again in 1840, he had been elected Governor. In the famous campaign of the latter year, famous for the wild and somewhat fantastic popular enthusiasm that accompanied it, and whose memory is perpetuated in song better fitted to inspire a mass meeting gathered about a stump, or for the march of a torch-light procession, than for volumes to ornament a centre-table, Judge Kent found a conspicuous place along with "*Tippecanoe and Tyler too.*"

When he came to Washington County, under these circumstances, he was everywhere warmly welcomed. In no country is the judicial office more honored than in New England. People flocked to the Court House, who had heard of him as a popular chief magistrate and an eminent lawyer, to look upon his imposing figure and handsome, majestic face. At that time his resemblance to the best portraits of Washington were very generally marked. The citizens vied with each other in extending towards him their courtesies and hospitalities. At a private house, one evening, *tableaux vivants* were improvised for the entertainment of the company. Judge Kent, whose fine powers of conversation, ready wit and copious repertory of anecdotes, made him everywhere, out as well as in the State, a most desirable table companion, entered genially into the amusement. He consented to sit behind a large picture frame draped in fine lace, as a portrait of the father of his country, and the resemblance, patent to the casual observer, was brought out with marked effect, through the adjuncts of scenery, drapery and light.

His manner of discharging the duties of his high office, the mental and moral qualities that gave him an aptness for it, have been already too well set forth by a discriminating jurist, who had the best opportunity to observe his career, to require any recapitulation from me.

The only other time that I came personally in association with

him, was when, full of years and honors, retired from the Bench, he came to Augusta as one of the Commissioners to consider and recommend amendments to the State Constitution. His associates gladly availed themselves of his political and judicial experience, and while he presided over their councils they felt that his presence gave dignity to their assembly and weight to their recommendations. While he was ready to acquiesce in all proposed changes that would give strength and symmetry to the Constitution, he shrunk with a conservative feeling, due alike to his age and his political training, from every innovation that threatened to disturb existing institutions, or to weaken the sanctions of established usages, and that popular loyalty that, among law-abiding races like the English and the Americans, clings to wonted methods of administration and long-established magistracies.

I think that this was the last of his public services, and closed a career as full of service to the State as honor to himself; and when, soon after, he passed away from among the living, he left a reputation for integrity, amiability and public usefulness, which it is the duty as well as the pleasure of this Society to commemorate and perpetuate in history.

REV. LEONARD WOODS, D. D., LL.D.

A DISCOURSE,

BY PROF. CHARLES CARROLL EVERETT, D.D.,

BEFORE BOWDOIN COLLEGE AND THE MAINE HISTORICAL SOCIETY,
WEDNESDAY, JULY 9, 1879.

During the last year has died one who, forty years ago this summer, became the President of Bowdoin College, an office which he held for twenty-seven years. He was for many years the Chairman of the Standing Committee of the Maine Historical Society, and one of its most efficient workers. It is fitting, then, that this College, with its Alumni, and the members of this Society, should unite to do honor to his memory. But while his relation to institutions justifies this public service, it does not fully explain it. The tribute that we bring is less official than personal. It is most of all the offering of loving and bereaved hearts.

Our late President, LEONARD WOODS, was born at Newbury, Massachusetts, November 24, 1807. A few months after his birth, his father, whose name he bore, removed with his family to Andover, where he became the first Professor of the Theological Seminary, in the foundation of which he had been largely

instrumental. The father was known to the world as a keen disputant, a strong reasoner, a profound and somewhat dogmatic theologian. To his family, he was known as one of the tenderest of fathers and the most genial of companions. He possessed a keen wit, which made him both prized as a friend and dreaded as an opponent.

The mother of the President was a daughter of Rev. Joseph Wheeler, of Harvard, Massachusetts. She was a woman of marked character and great sweetness of disposition, and an enthusiastic lover of the beauties of nature.

The family consisted of ten children, of whom Leonard was the fourth. This large family included many varieties of disposition and character, but was affectionate and harmonious. If any little difference did arise between the brothers, Leonard was the peace-maker.

His intercourse with his sisters, especially, perhaps with those nearest his own age, was tender and confidential. He interested himself in their studies and reading, and in whatever concerned them. This relation could not have been without influence upon his character, and may have prepared the way and furnished the ideal for those intimacies with ladies of talent and culture, that formed so marked a feature of his after life. A classmate, who had admired the purity of his tastes, and the elevated tone of his character in college, writes, that he learned the secret of these when, later, he became familiar with the home in Andover, from which he went forth to meet the temptations of college life.

His surroundings in his childhood tended also to quicken his intellectual growth. There is a family tradition that the first word he uttered was, characteristically enough, the word Theology. We may assume, then, that this was at least among the earliest words he spoke. This shows not merely the capacity of the boy to seize the larger words, but still more the nature of the conversa-

tions that were held about his cradle. The group of theologians that used to gather at his father's house, Porter, Griffin, Stuart, and others,—the discussions that they carried on together in regard to the great themes that were interesting the religious world, must have done much to stimulate his thoughts and to direct them to theological inquiry. They would seem to have done more to stimulate and direct his thought than to mould his opinions. Questions were started in his mind, the solution of which he sought in his own way. One might almost say, indeed, that an independent solution of them came to him without his seeking. It seems as if he were born to a certain course of thought and study, so early does he enter upon it. Here, if anywhere, we might almost accept the theory of pre-existence, or might believe that his spirit had been appointed to enter into life amid the courtesies and reverent religious thought and study of some mediæval court, so early do we meet that gracious presence and that peculiar mental tendency which characterized him in after years.

He was fitted for college at Phillips Academy, and entered Dartmouth College in the spring of 1824. He remained there, however, less than one term, and afterwards entered Union College as a Sophomore. The change was an important one, for it brought him into relations with President Nott, traces of whose influence will meet us as we proceed. At this college he graduated in 1827.

His college associations must have been very pleasant and helpful to him. Professor William Thompson, of Hartford, was his room-mate; President Wayland was a member of his class; and Bishop Potter of New York, though not a classmate, belonged to his more intimate circle of college friends.

When we try to picture him to ourselves as he was at this time, we need do little else than take off from the presence so

familiar to us the traces that the fleeting years had left. The light, spare form, and almost feminine softness of features which seemed to bespeak forbearance and sympathy from comrades of a more robust physique, were soon found to be allied with manly firmness, resolution, and capacity for rather uncommon muscular performances. He was fond of solitary musing, but courteous and affable to all; while in his more intimate circles, his literary acquisitions and sparkling humor were greatly prized. He was marked, at the same time, by a certain unconventionality which perhaps added to the charm of his intercourse. As a scholar he excelled in all branches. The professors liked to test his knowledge by out of the way questions, and he was always equal to the emergency. In Greek, his classmates consulted him with a confidence equal to that with which they turned to their teacher. In debate he stood supreme. Ethical questions in the discussions of the college literary society, had a special attraction for him. He often threw light upon many obscure points. As a poet he showed such promise that many of his friends have believed that poetry was his true vocation. The influence of Byron was then in the ascendant, and his classmates thought that there was something a little Byronic in his poems.

The time which his facility in acquisition gained for him, he devoted to a higher culture than the college routine could offer. His favorite authors were the older and graver English writers, such as Isaac Barrow and Jeremy Taylor. It is interesting to know that he had begun his patristic studies even before he entered college; and that what became later known as his mediævalism, manifested itself even in his college days.

On his graduation he delivered a poem, somewhat singularly entitled "The Suicide." Chatterton was its hero. It is an illustration of the methods of the time, or at least of the methods

of Dr. Nott, that both the subject and the metre were assigned to him. He protested against the latter as unsuited to the theme, but no change was permitted. In spite of the cramping effect of this requirement, the poem showed indications of power, and was very warmly received. He closed the exercises of the day by a valedictory address to the class.

President Nott pronounced him, on his graduation, better educated than is usual in this country, and believed that, without having any defect to supply, or habit to change, he might become a distinguished linguist or mathematician, or a man of general literature; at the same time, he feared that he might be somewhat lacking in practicality.

With avenues to distinction opening all about him, he chose, as it would appear, without hesitation, the profession of the ministry. The same year that he graduated from college, he entered the Theological Seminary at Andover. His life in the seminary was but a repetition, on a higher plane, of his life in college. I may mention a single incident, to show that the sweetness of disposition by which he was always marked, was a matter of culture with him, as well as of temperament. Some one entering his room one day, found him and his companion with a somewhat fixed and stern expression upon their faces. It seems they had formed a resolution to speak ill of no one. They had, however, just been unmercifully bored by a caller, and as he went out they began to express their feelings towards him, when they remembered their resolution; and at the moment of the second interruption, they were in the act of setting a guard upon their lips.

Among his seminary friends were Prof. Thompson, of Hartford, his room-mate here as at college, Dr. Schauffler, Dr. Cheever and Prof. Park. To those familiar with his later habits, it may be interesting to know that while in the seminary he was in

the habit of rising summer and winter at five o'clock, and of walking with the friend last named an hour, returning for prayers at six o'clock. Through mud or snow, through storm or sunshine, these walks were taken. "Our controversies were deepest," writes his companion in these strolls, "when the mud was most profound. One of us was commonly lost in an argument when the other was buried in a snow drift." With some of these student friends, who like himself roomed in the upper story of his father's house, he kept up for awhile the habit of talking only in Latin. A debating club was also held in these upper chambers.

He was at this time a brilliant skater; and took delight in teaching the young ladies of his circle to guide themselves upon the ice. His great passion, however, was for study.

He graduated from the Theological Seminary in 1830. He still pursued his work at Andover, however, where he was for a short time an assistant teacher. With rare energy for one so young, he set about a very important work, the translation from the German of Knapp's Theology. This he enriched with an introduction and notes. This achievement secured him at once a prominent position among the scholars and theologians of the country.

He was licensed to preach by the Londonderry Presbytery, in 1830, and ordained by the Third Presbytery of New York, at the Laight Street Church, in the year 1833. He preached in New York for some months, in the place of Dr. Cox, who was absent in Europe.

In 1834 he became the editor of the New York Literary and Theological Review, a publication which was just established. Besides his general editorial work he contributed to it several very important articles, which retain their interest to the present

time. He also contributed various translations from the German.

In 1836 he became Professor of Biblical Literature in the Theological Seminary at Bangor. His inaugural dwelt chiefly upon the importance of the study of the Bible, which grows out of the Protestant doctrine of the right of free interpretation of it. The duties of this new office unhappily interfered with his work as editor. His original contributions became more rare, and his connection with the Review was given up after four years of service.

The duties which crowded out his editorial work must have been very congenial to him. He showed a wonderful fitness for the office of teacher. In this he was helped by his great conversational powers, and by his exhaustive reading in connection with the subjects taught. He met the students in the class room as if they had been his equals. He won their confidence, so that they expressed their own thoughts with the utmost freedom. If their views were crude and ill-formed, they discovered it by no word or intimation of his, but by the light which he threw upon them.

His residence in Bangor must have been in many respects very pleasant to him. In that gay little metropolis of the east there was probably, then, more culture in proportion to the population than in any other city of our country. Especially were there many cultivated ladies, familiar with society as well as with books. The Unitarian influence affected largely the tone of society in the place, and at that time this implied a distinction which we of this generation cannot wholly understand. There was an ease and a brilliancy in the social relations into which he was brought with which he had hardly been familiar. We need not say how eagerly the young Professor was welcomed to this social life, or what a charm he found in it.

In Bangor we meet, if not more real, yet more marked traces than before of that reactionary tendency which seemed at times to separate him so widely from those about him. His life there was very important, in his intellectual development, if, as would seem to be the case, he there for the first time became familiar with the writings of DeMaistre, an author who exerted a marked influence upon his thought.

He remained at Bangor but three years. In 1839, at the age of thirty-two, he became the President of Bowdoin College. That was a proud day for Bowdoin on which he was inaugurated. His very youth, which under other circumstances might have weighed against him, when viewed in connection with the results that he had already accomplished, gave a new prestige to his position. He appeared before the congregation slight and graceful. A large pile of manuscripts lay before him, but at these he did not glance. For nearly two hours he held the assembly entranced by his rich eloquence. The crowd that thronged the aisles forgot the weariness of their position as they listened to his words.

He spoke of the cheering fact, that after years of strife, periods at length arrive in which conflicting tendencies are reconciled. "The pendulum of opinion, after swinging back and forth from one extreme to another, comes at last to hang in the just medium." After a few minor illustrations, he proceeded to speak of the interests springing from religious faith on the one side, and the scientific instinct on the other. For the first fifteen centuries of the Christian era, revealed religion engrossed the attention of the general mind of Christendom. Then came the ages in which all things were secularized. Science usurped the interest and the authority which religion had before held as her right. But now we are living in a moment of happy augury, in which these two conflicting elements of our intellectual life are be-

coming reconciled. Their influence, which in their separation has sometimes been disastrous, in their union will become most potent for good.

He painted the glory of these earlier ages of faith. Especially did he pay to the mediæval church the honor so often withheld from it. He spoke of the singular perfection the fine arts obtained under its influence—the cathedrals solemn and magnificent, the music of the old composers, and the paintings of the old masters. He spoke of the science that grew up under the intellectual stimulus which religion gave to the minds of men. He denied that the church ever opposed the advance of science, as such, save by presenting to the thoughts of men objects of more absorbing interest; and he justified this denial by the most ingenious arguments. He rebuked the pride of Bacon, who speaks of himself as kindling a torch in the darkness of philosophy. “If it was night when Bacon was born, it was certainly a night brilliant with constellations.”

Leaving this theme, so congenial to him, upon which he had brought to bear all the wealth of his learning and of his genius, he turned to the ages of secularization by which these ages of faith were followed. He recognized the many beneficent effects of purely human science, but he spoke with a sublime scorn of the lowness of its aims. It was bound to the earth instead of facing the heavens. It sought the bodily welfare of man rather than his spiritual exaltation. It brought with it a spirit that sought to undermine the very foundations of faith, and that had introduced the most baleful social and political disorders. Our modern science “had come to us like ships from the Levant, richly laden, indeed, but concealing the pestilence beneath its choicest treasure.” Then he dwelt upon the signs of promise. These signs were few, but were like a clear spot that is sometimes seen in a cloudy sky, which, however small it may be,

assures the sailor that the storm is past and fair weather is at hand.

In this address, at the general course of which I have barely hinted, there may have been some unconscious exaggeration in regard to the past. There was, perhaps, too little recognition of the higher aspects of modern science. Certainly the consummation which it prophesied was not so near as the speaker dreamed. That little spot of blue was to become lost amid the freshly gathering clouds; and while discoveries were to be reached which, then, even science herself would not have dared to prophesy, the popular thought was to sink to what would have seemed to him a lower depth of materialism than it had yet reached. But still, I believe that the discourse was substantially true, and it was wholly uplifting. His colleagues, of whom only one honored form remains to unite the college of the present to the college of the past, congratulated one another on this brilliant accession to their ranks. While it came to all as a word of strength and cheer, it was especially welcomed by the students of the college, and to many of them it must have been like the creation of a new universe. The past, which had seemed so dark, shone suddenly with a great light. The future, which had stretched before them vague and meaningless, was filled suddenly with a definite and inspiring promise; while the present was the happy moment in which the peaceful gains of years of strife were to be theirs. Others had fought and labored, and they were to receive the full fruition.

When the ceremonies of his inauguration were completed, he entered seriously upon the new duties to which he had been called. He approached them, as he did everything, by methods of his own. There had been more or less disorder in the college. The leaders in the disturbances were good-hearted fellows, of ability and promise, but somewhat wild. They found them-

selves suddenly summoned, one after the other, to appear before the new president. The call was a surprise, for, as one of them quaintly puts it, "all the old scores had been wiped off, and there had been no time to run up new ones." They went, however, at the call. There was nothing said about old scores or new ones. The president met them with that kind and graceful courtesy that was peculiar to him. He talked to them of the opportunities of college life, and made them feel, as though it had been their thought rather than his, the obligation that such opportunities impose.

This simple conversation, held with one as he sat with him in his study, with another as he walked with him among the pines, was sufficient to transform these young men. He saved them to themselves, to the college, and to the world. One of them, not only as a minister of the church has brought like aid to many a wandering soul, but became in a special manner the helper of the president in the work of rescuing from entanglement in evil courses young men who were tempted as he had been.

In 1840, after a year's experience of college life, the young president, according to a plan formed when he entered upon his duties, made his first visit to Europe. It is very unfortunate that the note-book which detailed his experience abroad has disappeared, perhaps lost in the fire which consumed so much that was of value to him and to the world. There remain only a few scattered remembrances of its story, which give us glimpses of him, here and there, and make us long more than ever for the whole.

We find him at Oxford, adopted into relations of intimacy with some of the Fellows, living with them, entering into their habits with the zest with which he always entered into the life of those among whom he was thrown; only here, from the

nature of his companions and their surroundings, all must have had a peculiar charm for him. Thus he walked with them, and conversed with them. He shared their simple meals, toasting his bread with them over the fire in their rooms, or entering into their more elaborate festivities. Among those whom he met at Oxford were Stanley and Pusey and Newman. Some whom he there met, remember him now with interest.

It is supposed by many—perhaps it is the first thought of all who know how closely he was thus brought into relation with the founders of the movement with which Oxford has been identified—that it was here our president received his direction towards what has been called his mediævalism. On the contrary, we have found that he carried the germs of it with him to college, expressed it freely while at Bangor, and embodied it in his inaugural at Brunswick. He would seem to have contributed as much to the incipient movement at Oxford, as he received from it. At a dinner where sentiments were in order, he proposed “The Middle Ages.” Knowing his habit in regard to the use of his old material, we may conjecture that the speech, with which he supported his toast, contained some brilliant passages from the Inaugural.

We next hear of him in Paris, as the guest of Louis Philippe. He and a companion* had neglected to answer their invitation to a dinner at the Tuileries, and were, moreover, a little late. The king came forward to meet them, intimating that not having heard from them he was not sure that they would come. The companion of the president happily replied that they had supposed that no response was necessary. The invitation of a king they had believed left to the recipient no choice. This happy turn changed their defeat into a victory. In the success of the

*The late Hon. Martin Brimmer, of Boston.

evening, we may be sure that our president had his full share. Especially did he, as his manner was, win the heart of the queen, who took him to her apartments, and showed him, among other things, the embroidery of her daughters, and introduced him to the room where they were at their work. Our president made himself thoroughly at home, as he did everywhere; and we find him seated among them and holding a skein of worsted for one of the princesses to wind, at once as much at his ease and as welcome, as if he had been a guest at some New England farm-house.

He was in Paris when the remains of Napoleon were brought there. He was fortunate in obtaining a place near the royal family where he could see all, and the pageant deeply moved him.

We find him also at the Vatican, where he had a long conversation with the Pope, Gregory XVI. The question first arose in what language they should converse. Our president suggested French, German or Latin, though he would prefer the last. Here the advantage of those Latin talks, in the chamber of the Professor's house in Andover, was felt in a way that was little dreamed of at the time. When, after some hours' talk in Latin with the Pope, he had taken his leave, the Holy Father expressed his admiration of him. He had conquered the Vatican as he had the halls of Oxford and the Tuileries.

It may be added, that on a steamer while he was abroad, he met, and had a long conversation with, Bunsen. This chance meeting led to a friendship maintained by correspondence.

On his return from Europe, the young president entered permanently upon the duties of the office for which all his previous experience had been a preparation. At this point we may interrupt our story to ask what characteristics and qualifications he brought with him to his work, what was the position that

he held in regard to some of the great questions that had occupied his thought; in a word, what manner of man it was with whom we have to do.

The charm of his intercourse I have thus far taken for granted. He was in some respects singularly unconventional; yet, one could not meet him without feeling himself in the presence of a cultured gentleman. It is impossible to analyze fully the elements of genius in conversation. Like all genius, it involves a something that cannot be expressed. It is the saying of the best thing in the best way. In the conversation of our president his richest gifts made themselves felt. The play of his wit, the originality of his thought, the wealth of his resources, the delicacy of his tact, the kindness of his heart, united to lend a charm to his conversation such as is rarely met. Above all, were his unaffected modesty, and his power of drawing out the best in his companion, who for a moment found himself wiser and wittier than his wont, and was surprised to see his own thoughts expanded and enriched till they came back to him with a fullness of meaning which he had not believed that they possessed. All this, which seemed like the art of the master, was, I believe, yet more the simplicity of the child. It was the manifestation of a nature at once rich and sympathetic. If as a boy he had something of the gravity of the man, as a man he showed often the gaiety of the child. He loved, on a Thanksgiving evening, for example, to throw aside his presidential dignity, and join in "blind man's buff," or some other romping game, and no child of the company was merrier and more alert than he.

In his disposition, he was singularly tender and magnanimous, but he had also a strong will, and was not to be moved from a course that he judged to be the best.

In his intellectual constitution, our President was remarkable

for the universality of his gifts. Whatever he did seemed the one thing that he was made to do. Poet, scholar, editor, professor, president, to the work of each calling he came as to his own. In a lawsuit which sprang out of the conditions of the will of Governor Bowdoin, he showed a most unusual legal talent. The case was originated, and, to a large extent, worked up by him. He possessed himself so fully of the literature that bore upon the case that but few lawyers were so well posted as he became in that special department of professional study. The money that his legal skill had won, his taste knew how to use; and it took form in the beautiful chapel of the college. We know what capacity he showed later for original investigation in history; while an article on Goethe in the "Literary and Theological Review" shows that if he had been content to be a mere *literateur*, as such he would have been unsurpassed.

In all his tastes and habits of mind he was a conservative. Conservatism may be of three forms. It may be an instinct of the nature that shrinks from change; it may be a matter of sentiment, or it may be the result of thought. In the conservatism of our president were united these three types. He shrank from change; but this instinct enlarged itself into a sentiment. His affection clung to the past and his imagination adorned it with its choicest flowers. But this sentiment was thoroughly self-conscious. He knew just what it was that he loved and honored in the past; what it was that it possessed but which we have lost. He believed in progress and reform; but he saw the peril that there is in laying rash and irreverent hands upon forms of faith and political institutions, whose very existence is a presumption in favor of their substantial worth.*

What it was that he chiefly revered in the past, his In-

* See Lit. and Theol. Rev., Vol. 11, pp. 344, 522 and 706,

augural has shown us. The past had faith. It had faith in God and in the universe as filled with his wisdom. It had faith in the institutions of society, in the church, the State, and the family, as divinely appointed. We have science; but science without faith, a godless science, he felt was unworthy of the name.

It does not follow from this that there has been no gain in history. The man has much that the child has not. We could not be children again if we would, and we would not if we could; but there is something in the child that is worth more than all the gain of manhood. If this be kept at the heart of all, then there has been real advance; but if it be lost, all is lost. If this has been lost, the man must become again as a little child and enter thus afresh the kingdom of heaven. Such was the view that our president took of the past in its relation to the present.

He honored the Catholic church. He honored it, because for centuries it alone had represented the highest spiritual faith. He honored it because it uttered the fullest and most conscious protest against the individualism of our day; because it embodies in itself the two forms of authority which he revered: the authority of revelation and that of historical development. He loved, too, its pomp of service. It may be asked, as it was often asked, "Why was he not, then, a Catholic?" It would be sufficient to suggest the common sense reply, that because he admired certain principles in that church, it does not follow that its whole doctrine and method would have been acceptable to him. The question, however, admits of a more definite answer.

He believed that we are largely the products of the past, that our beliefs and our position in the world are largely determined for us in advance. It is not for us to settle, each one for himself, the great questions whose answer is shaped in the course of

ages. The fancy that we can do this is one of the marks of our modern individualism. He believed that the struggle to do this is in vain. When we fancy that we are settling for ourselves the vexed questions of the universe, the answer that we give is not the voice of the absolute reason, but of our own caprice, or prejudice, or even, sometimes, of our self-interest. He felt that he belonged where he was placed, that he owed a sacred allegiance to the church of his fathers. Should he desert this and seek for himself a church, he would be himself an illustration of that individualism from which he shrank. He was then honestly, unswervingly and contentedly a Congregationalist of of the old New England type.

Of course, all this reasoning about authority holds good only so long as one is at ease under the authority. It is like the belief in the divine right of rulers, which is apt to lose its force with a change of dynasty. Had our president cherished a single real doubt in regard to any one of the fundamental doctrines of his church, all his fine reasoning would have gone to the winds. He would have been driven out of it by that obligation higher than all others, that of absolute sincerity. But so far as the Orthodox creed is concerned, he believed more rather than less than those about him. His orthodoxy was of the older and higher type, and was never, I believe, seriously questioned.

Those who ask why he was not a Catholic, fail in another point to understand him. One thing that he loved in the old Catholic church was its catholicity. The faith in the one church was strong within him. "The churches," once said a student in the recitation-room. The president pleasantly corrected him, saying, "Not 'the churches,' but 'the church.'" The church of which he dreamed had no longer an embodiment in the external world. The early christians were wont to compare the church

to a ship. The vessel which bore the hopes of humanity had suffered partial wreck. Those who had been united beneath its flag were scattered. Some had taken boats; some had made for themselves rafts. Those who stood by the old ship were but a fragment like the rest. Had he gone back to them, he would have passed from one limitation to another; and limitation was precisely what he was longing to escape.

I think that he was fundamentally a poet. At least, he had, in regard to whatever interested him, an ideal of perfection, of wholeness, to which it was his longing to attain. This made itself felt in his ecclesiastical relations. The member of a sect, he longed to escape from its narrowness and feel himself a member of the whole. Had he been born a Catholic, a Catholic he would doubtless have remained, as how many of us would not; but he would have been, I think, a more troublesome Catholic than most of us. He would still have stretched beyond the conditions in which he found himself, toward the completeness of the whole. The ecclesiastical unity which he loved in the past, he knew could not furnish the type for the future. The differences that have been developed cannot, suddenly, at least, be done away. The spirit and methods of the "United Brethren," suggested to him, at least at one time, the nearest approach to the manner in which ecclesiastical unity could now be possible.* He had in his thought the ideal of a union in which the denominations that are in substantial agreement should each be true to its own convictions, and yet co-operate with others as parts of one common church.

While he cherished such ideals, he was not a man to waste his life in idle regrets and longings. As he reproduced in his

* Lit. and Theol. Rev., Vol. III, pp. 140, 311 and 596. Compare, in regard to the whole subject, Vol. IV, p. 253.

own nature the reverence, the faith, the loyalty which he honored in the past, so he anticipated in his own heart the ideal church of the future. True to his own belief, and glorying in it, true also to his own church, he yet took into his loving sympathy churches which were most widely separated from his own. Sectarian bitterness was his abhorrence. The introductory article to his Review is very suggestive on this matter. He first urges the importance of the doctrines of Christian faith; then growing more earnest, he urges the importance of defending these; then he speaks of the spirit in which this should be done, and rises to the climax of his eloquence in denouncing sectarian harshness and bigotry.

We have seen his feeling towards the Catholic church. He took much interest in the old Catholic movement in Europe. He loved and honored, also, in a special manner, the Episcopal church. Notwithstanding radical differences in belief, he could take pleasure in the genial breadth of the Unitarian, and all the while he could remain true to his own position. Of course, he was misunderstood. Some members of other churches believed that at heart he belonged with them; members of his own doubted whether he belonged to them. Some, in despair of anything more fitting, marked him as probably a Jesuit in disguise. So rare, so difficult to comprehend, is a simple life of mingled breadth and earnestness.

What added to the difficulty of understanding him, was the fact that he reached and held his views by methods of his own, at least by methods not common in our age. He would express an opinion, and people would argue, "He who believes this ought to believe also this and that." They would construct a system for him. They would put him in their cabinets, classified and labeled according to their taste. I will give one or two examples of cases in which such mistakes might have occurred,

to illustrate the manner in which such mistakes did occur. He had once been reading an article that sought to prove that the texts which are supposed to establish the doctrine of the Trinity had been misinterpreted. He not only praised the article to me, but he said that it was wholly correct. Here would have been an opportunity to show a case of double dealing. Either he was a Unitarian, professing to be Trinitarian, or he was a Trinitarian wanting to appear for the moment as a Unitarian ; but he added at once, "The dogma of the Trinity does not rest on such arguments as are referred to here." Later in his life he was found by a graduate engaged in historical investigations. He looked up, in his pleasant way, and exclaimed how pleasant it was after all the uncertainties of metaphysical speculation, to find oneself on the firm ground of history. This might have been understood as implying doubt in regard to what he had held most strongly ; but he would have spoken thus of philosophy at any time. He believed that Divine revelation on the one hand, and the human heart on the other, furnish the only solid basis for belief. Out of the heart grow creeds and institutions. Philosophy has its rightful place when it bases its systems upon it. When it seeks to lay foundations of its own, it lays them in the clouds.

The love of completeness, of which I spoke, followed him everywhere. Nowhere could he rest content in what seemed to him a partial statement. In regard to methods of reform, this tendency showed itself. When he heard the shrill treble of the popular chant, he could not join in that, but could only utter the complemental bass. Those who had more ear for difference than for harmony, could find in him only an opponent. Never would he keep back a thought or a feeling lest it should make him unpopular. While he was gentle, he was also fearless.

I remember one of those marvellous Baccalaureates in which

he urged the importance of "duties of imperfect obligation." He seemed to place honor above duty. He glorified the lie of Desdemona as better than a truth. Of course, this called forth a storm of criticism. Not only did this doctrine endanger all morality, but especially was this glorification of honor dangerous in the presence of college students. But some years after, when he had occasion to repeat such an address, he selected this. Again was honor magnified, and the lie of Desdemona pronounced better than a truth. The same tendency was illustrated in the temperance movement. This was one that engaged his most earnest sympathy. But he could not place the occasional drinking of wine among the things wrong in themselves, and he could not make of total abstinence anything more than a practice temporarily expedient. Thus many placed him among the opponents of this reform which he had so much at heart.

He was very patient under misconception. If a word could explain his course, that word he often had to be urged to speak, often he would not speak it.

It is sometimes wondered why, with all his learning and genius, he has not left more permanent works behind him. Perhaps a native indolence, especially physical indolence, had something to do with this. But the traits we have been considering, I believe had also much to do with it. His idea of perfection was so high that he was critical with himself. It was not that he would not, he could not, do anything that was incomplete. Our rough-and-ready American ways he could not conform to. Then, too, he lacked the spur of ambition. As he would not put himself out of his way to avoid blame, neither would he to win praise. He was the most modest and at the same time the most self-contained of men. Perhaps, also, the isolation of his position had much to do with this lack of outward activity.

He scorned our modern individualism ; but, whether in refutation or confirmation of his theories I know not, there are few men more individual than he was. Even Emerson does not exceed him in this respect. So individual was he that he stood alone, with perhaps none wholly to sympathize with him, with few even to comprehend him. His individuality was largely in his universality, it is true, yet none the less did it separate him from those about him. This individuality he prized. Nothing did he find it so hard to forgive as the attempt to convert him to any other form of faith. He would sympathize with you, but you must not lay hands upon him. He would work with you, but it must be in his own way. As he was situated, he may have felt that he could not speak for himself alone, and thus kept silent. Whatever may have been the reason, he appeared little before the public, in the way of authorship or speech.

But there was a duty to which he devoted himself with all the more earnestness. This was his work as president. In this, all his characteristics found their best expression. Though he would gladly have made more marked the religious aspect of the college, extending its religious services and adding to them a greater pomp of worship, yet in what concerned the business of education he was as truly in advance of his times as in certain speculative opinions he may have seemed behind them. It is an easy thing, now that the liberal position of the college is established, to say that a man's fitness to teach any branch of secular learning does not depend upon his theological belief ; yet the application of this principle to the management of the college caused one of the hardest and most painful battles which our president was called to fight.

It was, however, in his direct relations with the students that his character showed itself in its most pleasing light. When

he was called to his office there arose in his mind the ideal of a college president. It was not that of the conventional president, not that, perhaps, of those who called him to the place. He believed that in every young man's heart is a principle of honor. If that can be touched, the young man is safe; if it is not, no matter how correct his course, his education is a failure. Two things he may have learned from his own president, Dr. Nott, namely, distrust of what is technically known as college discipline, and faith in personal influence. His views became enlarged and confirmed by his knowledge of the methods used in the Jesuit college at Rome, which was thrown freely open to his inspection, and by his observation of the methods employed at Oxford. Yet his course was so much the expression of his own nature that we need hardly look abroad for its source.

We have already seen one or two examples of his method. Others may be given. It had once been the habit of the students to have a bonfire at the end of the Freshman year. This had been forbidden by the Faculty. The fire would, however, be lighted; the Faculty would turn out to arrest the offenders. There would be a chase among the pines, highly amusing, no doubt, to the boys, but neither dignified nor wholly safe for the professors. The president adopted a new policy. There was nothing wrong, he thought, in a bonfire, but there was a little danger. He learned the names of the committee of students having the thing in charge; he sent for them, and made them responsible for its proper and safe management. The fire was lighted, but a large part of the fun was gone. There remained, indeed, the excitement of rivalry between one class and another; but when this could be carried no further—for there is a limit to the height to which tar barrels can be conveniently piled—the practice was, at least for a season, dropped. Many will remember the “college training.” At that time such fantastic

shows had more novelty than now. Here, too, instead of fighting against a thing that seemed to him harmless, the president contented himself with seeing the commander-in-chief, and making him responsible for the propriety of the parade. At one time he joined with certain students of intemperate habits in taking the pledge of total abstinence for a period extending over their residence at college. Thus, by tact, by personal influence, did he accomplish results which the clumsy methods of ordinary college discipline were wholly unable to reach. Many to-day are grateful to him for what they have been and still are. He was very sympathetic with the peculiar circumstances of college life. He distinguished in his heart between depravity and the love of fun. He was always straightforward. I think no student ever suspected him of double-dealing. He knew how to meet the young men. He had a quick wit, that with a word would show up the folly of their excuses. He had a dignity that made itself always felt. I think that no student was ever asked to sit down in the president's college room, and no student ever felt himself aggrieved by the neglect. He said once, that every act of college discipline hurt him more than it did the student. The student felt this. Of course, the danger was that he would err on the side of leniency. I would not affirm that he never did this. I can only say that the more closely I was able to study his methods, the more did I admire them. When a case was to be worked up, his legal powers guided him to the truth. When he felt that discipline should be enforced, he was firm; but he loved better to save a man than to punish him.

I think that under President Woods, Bowdoin College offered means of education, in some respects, unequalled in the country. Students found themselves at once in the presence of a culture that might have been the product of the best universities and

the most polished courts of the old world. They received from their president an influence such, as has been well remarked, men go abroad to seek; such as breathes in the aisles of old cathedrals. They learned from him what reverence means, and loyalty. They learned that society is not a mere human invention. They felt the divinity that is behind the family and the State.

His private influence was made powerful by the genius that made itself felt in his public addresses. None who ever heard them will forget his Baccalaureates. They were given without notes, generally in the gathering twilight. As the shadows fell, the arches of the church seemed to rise and to dilate, while the rich music of his voice and the thoughts that he uttered, more rich and mellow even than it, all united to place the listener in a world which was very foreign to our every-day life, and from which he could not fail to go forth quickened and elevated.

As a teacher, he had charge of the studies relating to morals and religion. His exercises formed a fine mental drill for the students, and interested many of them in these high themes of thought. He sometimes held a Bible class for such students as might care to attend, on Sunday, in his room. He also conducted evening prayers at the college chapel.

He was very faithful and regular in his college duties. That he might be within easy call, should he be needed, he never went farther from home than Portland during term time, and was rarely, if ever, absent from his appointed place.

The students brought to their president a chivalrous love and reverence that I think rare. When in after life they came into relations with him, they sometimes expected the illusion to be done away. But there was no sham or tinsel about him. The

more closely they knew him the more did they admire the wealth of his resources and the beauty of his spirit.

But at last there came that terrible moment in our country's history. The nation was under martial law. Hearts, also, were under martial law. Our president, having little faith in the power even of college discipline, shrank from the bloody discipline inflicted by the nation. He did not believe that hearts could be won and patriotism created by the bayonet and the cannon. Whatever may have been the causes that influenced him, and whether his reasoning were right or wrong, you may be very sure that his motives were as patriotic as those of any who joined most eagerly in the great impulse of the moment. Our president felt, doubtless, that he stood, as he so eloquently described Webster as doing, when changing front he faced "a sturdy and multitudinous Northern constituency." He stood as firmly and fearlessly as Webster, and like him he found himself separated from some most dear to him. His influence was for the moment lessened. He felt that the battle he was waging against a narrow interpretation of the denominational position of the college, could be better carried on by other hands.

In 1866 he resigned the office he had held so long and so honorably. This step, I may remark, he had for some time been intending to take so soon as he could do it without injustice to himself and to his work. He went forth to new triumphs. Never before did his spirit show itself in its full beauty. No word of jealousy ever escaped his lips. To his successors he was all kindness and helpfulness. He rejoiced in their successes, and sorrowed in their trials; and if they were criticised he defended them. He won to himself the hearts that had been most estranged.

He found occupations that were most congenial to him. He was made a delegate to the Democratic Convention at Philadel-

phia, and one of its vice-presidents. This was an experience very novel to him, and one which he greatly enjoyed.

had long been interested in the work of the Maine Historical Society, and now this engrossed a large part of his strength. In 1867, as he was preparing for another year abroad, he received a commission from the State authorizing him to procure materials for the early history of Maine. The same charm that opened hearts and homes to him on the occasion of his first visit, opened to him now the treasures that he sought. Of the results of this commission, one was a work of the late Dr. John G. Kohl, of Bremen, which was published as the first volume of the "Documentary History of the Maine Historical Society." He also procured a copy of an important unpublished work of Richard Hakluyt. On his return he attended to the publication of the first named of these works, and after that he devoted himself to preparing an introduction and notes to the second.

I like to think of him as engaged in these historical labors. His conservative instincts and his love of authority were satisfied. He was brought into congenial relations with others of like spirit with himself, working with them for a common end and by common methods.

His preparations for the publication of his foreign prize, it is supposed, were nearly completed, when a large part of his results was suddenly lost in a misfortune which broke up the entire course of his life. He had just built for himself a new library. It was fitted up with all the elegancies and conveniences that he could desire. For the first time he had all his books about him. Suddenly, in January, 1874, this took fire, probably from the wadding of a gun carelessly fired in the neighborhood. It was wholly consumed, and with it nearly all his books and papers. Happily, the precious Hakluyt manuscript was elsewhere.

Our president, as we know, was very conservative in his nature; but by this accident all those lines of activity that bound him to his past were broken. The books that he had studied, the works upon which he was engaged, the materials he was collecting towards the life of his father, and in connection with this, towards the early history of the Seminary at Andover, his unfinished historical work all disappeared at a flash. By a strange irony of fortune, this most conservative of men found himself suddenly, in his advanced years, starting afresh, "a seeker with no past at his back." He had already felt premonitory symptoms of the disease which was to shadow his later days, and I think that after this fire he was never wholly what he was before. Not, however, till June, 1875, did he receive the first of those shocks that were to batter down his life. Henceforth the slow beclouding of his faculties reminds us of the gradual settling down of the mist about some mountain height. The clouds lift a little now and then, and reveal a grassy slope or a rocky precipice, and then sink again deeper and darker than before.

He had never been married. His home at Brunswick had given him both comfort and rare companionship. Now in his shattered health it extended to him the tenderest and most watchful care; until a sister in Boston claimed her nearer rights, and took him to the guardianship and the affection of her home.

The change that was taking place with him seemed rather a beclouding than a loss. It was sad to see him, to whom language had been a willing slave, trying in vain to summon to his aid the most common word, looking helplessly to the affection that had provided all else for him, as if that could divine and bring to him the phrase he sought; but this command of language seemed long his greatest difficulty.

He loved to meet his friends and talk with them. Nearly to

the last he loved to listen to reading. He would follow it intelligently; would correct the pronunciation of foreign words and define them, and would explain the meaning of theological terms that might occur. His spirit, except for a brief period after his first attack, was as sweet, as loving, and as tractable as that of a child.

On the last Sunday of his life his words showed that he knew what was before him, and that he longed to cling till the last to the human companionship he loved. He repeated after loving lips the prayer of his childhood, and the sacred offices of the church. The next day his laugh was heard once more, in its old sweetness, and on the third, Tuesday, December 24th, 1878, he died. Just at the last, the clouds that had been settling about his spirit lifted for a moment, and his features shone with that strange after-glow that sometimes brightens the faces of the dying when all earthly light has passed. Then the mists sank more thickly than before, and their shadows deepened into the night of death. A simple burial service at Andover, where his body rests, ended his earthly history.

Such was our president, as nearly as I can picture him, in his character and in his life. Can we call his a successful life? If he had been less endowed, we should not hesitate in our reply. His life itself would, for many, be enough. He occupied honorable positions in the world. He received the highest college dignities. Harvard gave him her doctorate of Divinity in 1846; Bowdoin her doctorate of Laws in 1866. He lived an honored and useful life. But we think of these superb talents, of which achievement is the only fitting crown. We think of his precocious literary and theological accomplishments, and then wonder that so little remains to us. We have one volume,—a translation,—a few scattered articles, two or three pamphlets, the eulogies on Webster and on Cleaveland, each perfect in its

way, but these are all. Can we then grant to this life the final glory of success? I answer, Yes. Of all the gifts with which a man may be endowed, the best is that mysterious something that we call personality. Even though the shelves of the libraries may groan with a man's printed works, we regard this as worth more than all. This highest gift of God to man our president possessed. It might have won him an honored place among the most brilliant circles of Christendom. This gift he used not for himself. He consecrated it to the one ambition of his life. This ambition was to quicken what was best in the hearts of the young men entrusted to his care. Once, after a grand success had been accomplished in this work, to one who had been his helper in it he exclaimed, "The salvation of one of these young men repays for the expenditure of very much labor, anxiety and patience." This was the one ambition of his life; all his genius was not too much to be used, as it was used, for this. He could have had no higher aim, and the loving gratitude of many a heart to-day testifies of his attainment.

The influence that came from him I can compare to nothing else than that which comes from the music of an organ. I do not mean that he was always grave. No one could tell a story, or turn a jest with more grace and point than he. Even an organ will sound light and merry airs, but it gives to them all a character of its own. This organ-music is something that is very rare in our life to-day. Even in the pulpit, where we might expect it with most reason, we have too often the sentimentality of the flute, or the harshness of the clarion, too happy if it be not the noisy and petulant emptiness of the drum.

There are many ways in which our president presents himself to our memory. Perhaps we may picture him most readily in his seat in the chapel that he loved, there, where most others

seemed strangely modern and out of place, but where he seemed in fitting harmony with his surroundings. The voice of the organ ceases, he rises, and in his richer tones utters the common prayer and thanksgiving. I know what college "Prayers" are, at their best. Many light and wandering hearts are there. But I think that heart must have been very empty and very light that never at these hours had any sense of the thrill and the lofty peace of worship.

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